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REPUBLIC OF IRAQ

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**F A C T S**  
**Concerning**  
**The Iraqi-Iranian Frontier**

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**Ministry of Foreign Affairs**  
**January 1966**

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## Foreword

Repeated official statements recently made in Teheran concerning boundary problems between Iraq and Iran have regrettably been contrary to the principles of International Law as well as to established facts which are supported by official international documents such as treaties, agreements and protocols entered into by the two governments concerned.

It is therefore necessary to clarify these problems by an objective and dispassionate presentation for the benefit of Iraqi public opinion as well as public opinion in the Middle East and the world at large. It will be clear to the reader after appraisal of these facts that the peaceful policy declared by His Excellency Major-General Abdul Karim Qassim, the Prime Minister and Commander-in-Chief of the Armed Forces, on the dawn of July 14, 1958, the first day of our glorious Revolution, will remain now and in the future an irrevocable principle of the policy of the Republic of Iraq. The Government of Iraq is keen on the observance of its international commitments and always endeavours to settle international differences by peaceful means taking into consideration relevant principles embodied in the United Nations Charter and the interest of the people of Iraq as well.

## Boundary Agreements

The Iraqi-Iranian dispute over certain parts of their joint boundaries is not a new development, as it is inherited from the Ottoman Empire of which Iraq was part prior to the First World War. Indeed the Ottoman and the Iranian Governments had pursued the path of negotiation and agreement in the demarkation of boundaries which is the appropriate method in the settlement of such dispute and which is wholeheartedly endorsed and adopted by Iraq.

The boundaries between Iraq and Iran are based on the Erzurum Treaty which came into effect in the year 1847, as well as on the Protocol for the demarkation of boundaries which was signed in Constantinople on the 4th of November 1913 by the Minister of Foreign Affairs of the Ottoman Empire and the Ambassador of Iran on behalf of their governments. The Ambassadors of Great Britain and Russia also signed on behalf of their respective governments in their capacity as mediators.

Article two of the Protocol of 1913 laid down the following:-

"The boundary line shall be delimited on the ground by a Delimitation Commission composed of the Commissioners of four governments....."

Article five of the same Protocol states the following:-

"As soon as part of the frontier has been delimited it shall be considered as finally fixed and shall not be liable to any subsequent examination or amendment....."

The Commission which was set up for this purpose completed the demarkation of the boundaries and the co-ordinates of their points on the ground and on the maps from North to South the details of which were all set down in the Commission Proceedings of 1914. Thus the dispute over the boundaries should have ended between the Ottoman Empire and Iran and subsequently should have left no cause for violation of the boundaries between Iraq and Iran.

### Violations

The Iranian Government however violated the provisions of the Agreements following the Pahlavi Coup after the First World War in an attempt to secure to itself certain gains at the expense of its neighbours. It invaded Afghani territories by force of arms, and its armies, pressing deep into the interior of that country, were defeated and forced to retreat. Nevertheless, the dispute between Afghanistan and Iran persists until today over the waters of the Hilmand River.

The Iranian Government also encroached upon Iraqi boundaries violating the Agreements referred to above to which it was party. These violations of Iraqi-Iranian boundaries by Iran are still continuing and have indeed taken a provocative form since the Iraqi Revolution.

### Violations of Territorial Boundaries

In its attempt to seize all it could of Iraqi territory, the Iranian Government established boundary guard-posts with military strength inside Iraqi territory. These guard-posts are:

1. Al-Bejailah: in Qal'at Salih administrative area which was established one Kilometre within Iraqi territory.
2. Kani Sekht: in (Bedra) administrative area, established six Kilometres within Iraqi territory.
3. Al-Ziadi: In Bedra established five Kilometres within Iraqi territory.
4. Tuk Tuk: In Bedra, established seven Kilometres within Iraqi territory.
5. Kalat Lan (Kalalan): in Mendeli administrative area established one Kilometre within Iraqi territory.
6. Nee Khedher: in Mendeli, established also within Iraqi territory.

The Government of Iraq chose to pursue diplomatic means to safeguard its rights but its repeated protests and

communications were in vain since the Iranian Government persisted in its claim to these territories ignoring international documents especially Proceedings of the Boundary Commissions as well as the maps, descriptions of the boundary pillars and their co-ordinates annexed to those Proceedings.

It must however be recorded that the Iranian Government, subsequent to the abdication of the former Shah and the occupation of Iranian territories by the Allies in 1941 during the Second World War, discontinued for a while its aggressive policy towards Iraqi territories, and withdrew its forces from most of the guard-posts which it had established within Iraqi territory. Unfortunately, the Iranian Government reverted to its former policy after the end of the War as it attempted to reoccupy the former guard-posts. When Iraqi authorities stood firm against this move, the Iranian Government did not hesitate to use force of arms which was repelled by Iraqi Police. Nevertheless, there is still an Iranian force in Nee Kheder guard-post.

Although Iranian forces failed to reoccupy the other posts, they established two new guard-posts within Iraqi territory opposite the two Iraqi boundary guard-posts, Kani Sekht and Al-Ziadi, giving them the same names. The Government of Iraq missed no opportunity, before and after the last World War, of appealing to the Iranian Government for the settlement of the dispute by arbitration through neutral foreign experts. The Iranian Government, apparently, was not willing to have the dispute settled on an equitable and just basis; it evaded the issue claiming that the Islamic countries should not expose their differences to a foreign party. When the Iraqi Government, however, proposed the setting-up of a joint commission confined to Iraq and Iran to settle the dispute, the Iranian Government turned down the proposals under some pretext or another.

In the one instance when Iran agreed to set up a joint commission to survey the Bejailah boundary guard-post, the Iranian Representatives produced maps which were not officially recognised or authenticated and refused to pursue the negotiation for the definition of the exact location of the guard-post on the basis of the international map initially agreed upon. The Commission, of course, had no chance of success, and the dispute continued as before.

## Violations of Riparian Boundaries

Some Iraqi rivers originate in Iranian territories, and in view of the vital interests of the two countries in the waters of such rivers and their internationally undisputed rights thereto, the Proceedings of the Commission of 1913 and 1914 dealt with the distribution of their waters between the two parties concerned and the definition of the share of each of the two countries in these rivers. The Iranian Government continued its self-centred attitude, however, in connection with these rivers and disposed of their waters in utter disregard of the vital needs of Iraqi orchards and plantations for these waters, and in violation of the principles of International Law as well as the provisions of the Agreements which clearly established Iraqi shares in these waters and to which the Iranian Government is signatory. The most important of these rivers are:

1. Kankir River in Mendeli administrative district.
2. Ginjan Jem River in Zirbatiyah administrative district.
3. Al-Wand River in Khanaquin administrative district.

The Government of Iraq has been appealing for many years to reach a decision on river problems and the water distribution of such rivers between the two countries in one general settlement. It also presented various proposals for the solution of each problem separately by joint technical Commissions.

As usual, the Iranian Government continued its policy of procrastination under various pretexts such as claiming that the settlement of the river dispute should be postponed pending the settlement of all boundary disputes between the two countries, whereas the failure to reach such settlement was due to Iran's own evasion.

The following are some details which clearly demonstrate Iraq's unquestionable rights to its share of the waters, and Iran's deliberate violation of such rights in utter disregard of the immense damage which was, and still is, being inflicted on the livelihood and survival of Iraqi communities which depend upon these waters:

(1) Kankir River in Mendeli:

The share of Mendeli administrative district is clearly defined in Article (28) of the Proceedings of the Joint Iranian-Ottoman Boundary Commission for the years 1913 and 1914. Briefly the Commission had agreed to divide the river waters in equal shares between Mendeli in Iraq and Sumar in Iran. The Iranian Government, unable to challenge this clear provision, resorted to the allegation that the waters had decreased, knowing full well that such a decrease was due to excessive and unlawful utilization of the waters in Iran before the river enters Iraqi territories. Iraqi Notes and Protests have been, however, of no avail. Nevertheless, the Iraqi Government suggested setting up an ad hoc joint Commission composed of farmers from both sides under the supervision of the Boundary Commissioners of both Mendeli and Sumar who were to be charged with surveying the waters of Kankir River from time to time to observe the condition of these waters and the manner of their division into equal shares on the basis agreed upon, and to safeguard the rights of farmers on both sides of the border, thus removing the cause of misunderstanding between the two Governments and their respective subjects. Unfortunately, the Iranian Government once more resorted to evasion, replying in its Note of 19th November, 1959, that it had issued instructions to give Mendeli's share of the water temporarily pending consideration of the matter by the Pillar - Fixing Commission. Needless to say, this did not improve the water situation in that area as Iran, regrettably, continued in its former manner of the disposal of the water.

The encroachment of Iran upon Mendeli's share in the waters of Kankir River resulted in the perishing of about 70 per cent of the orange, lemon and fruit trees as well as a decrease in the yield of palm-trees to about 30 per cent. This encroachment was also responsible for the people of Mendeli giving up vegetable cultivation and the emigration of more than 2,000 of them from the area.

(2) Zirbatiyah Waters:

The rights of the people of Zirbatiyah to the waters of Ginja Jem are recognised in the Proceedings of the 26th meeting of the Boundary Commission for the years 1913 and 1914 which stipulate that the middle of the river, which orig-

inates in Iran, constitutes the boundary between Iran and Iraq for a certain distance and then enters Iraqi territory; thus the two countries have a share in its waters.

The Commission, however, failed to provide a permanent basis for water distribution on both sides of the river, but permitted farmers of the two countries to open canals needed for the irrigation of their farms without making any reference to the construction of dams. Iraqi farmers continued to utilize the waters of Ginjan Jem through two branches, namely, Jazman and Sarkh in accordance with the old usage whereby Iraq had the major share in the waters as evidenced by the past prosperity of Zirbatiyah's orchards and its historic canals, whereas the canals on the Iranian side are of recent construction.

The Iranian Government, not being content with its repeated encroachments upon Iraq's share in the waters of Ginjan Jem, has started, of late, activities with the purpose of constructing a dam calculated to divert the river waters into Iranian territories regardless of all the dire consequences of this measure on the Iraqi farmers concerned, international practice, and of the Proceedings of the Boundary Commission.

(3) Al-Wand River in Khanaqin:

The area dependent on Al-Wand River was yet another part of Iraqi territory subjected to the encroachments of the Iranian Government. In 1953, the Iranian Government prepared a project for building a canal in Iranian territory from Kasir Shireen to Khesrawi which is situated on the border opposite Khanaqin on the Iraqi side with the intention of diverting the waters of Al-Wand River, on which Khanaqin depends; and it commissioned Linda Construction Company to complete the project.

In view of the seriousness of the situation and the dire consequences of this step to Iraqi interests, the Government of Iraq made every effort through diplomatic channels, including Notes and Protests, to persuade the Iranian Government not to go through with its plans. Nevertheless, the Iranian Government proceeded with these plans.

In its many Notes (such as the two dated Sept. 28, 1953 and Apr. 12, 1954 respectively) the Iraqi Government elucidated to the Iranian Government some of the arguments and evidences it deemed relevant to the question, drawing the attention of the latter to the following points:-

- (a) Iraq has been using since ancient times the waters of Al-Wand River for irrigating the adjoining area including all the towns and villages it contains.
- (b) The time-honoured right to the disposal of these waters entitles the area to an indisputable right in these waters.
- (c) The adverse effects of low water manifest themselves seriously in the summer months. Obviously, the diversion of water in Iran is bound to aggravate the existing difficulties, bringing serious harm to agriculture in the area.
- (d) No state is entitled to the diversion of the waters of an international river or to the use of such waters in a manner detrimental to other states, without reaching first a special legal agreement with the other states having shares in the waters of the river or, alternatively, securing the necessary approval of such states.
- (e) The waters diverted into the new canal will be drawn from Iraq's share, particularly in the summer crop season. This means incalculable loss of vast areas of agricultural lands as the volume of the waters flowing into Iraq during summer is not only used up completely but already falls short of Iraq's requirements.
- (f) The minimum discharge of the river in Iraq is estimated at about 5 cubic metres per second. This discharge could drop to as low as 2 cubic metres per second in the event of the opening of the projected canal, with dire consequences to the groves and other agricultural lands in the Iraqi area.

After ceaseless and strenuous efforts by the Government of Iraq, work on the project was stopped by the Iranian Government in recognition of its inequitable nature and its violation of international practice. It resumed construction on the project however without notice in 1958. The Iraqi Ministry of Foreign Affairs addressed a Note to the Iranian Embassy in Baghdad dated 20th October 1958, asking for immediate cessation of construction on the project pending an agreement on a suitable method for the division of the waters of boundary rivers in accordance with the status quo which had been mutually agreed to until the formation of the joint boundary commission which was intended to find solutions to boundary disputes between the two countries under the chairmanship of an arbitrator whom they had formerly agreed to choose from Sweden. The Iranian Government replied however that the use of the boundary waters did not fall under the agreed principle of maintaining the status quo on the pretext that it was an internal measure of a purely domestic nature and should not be regarded relative to boundary problems. The Government of Iraq in its Note of 28th March 1959, protested that riparian boundary problems were part of the total boundary problems awaiting settlement by the two countries, and the Government of the Republic of Iraq would not be in a position to enter into negotiations over boundary problems unless the question of International rivers was included. It also indicated that if the Iranian Government were to persist in diverting the waters of Al-Wand River, the Government of Iraq would be compelled to resort to international legal proceedings to safeguard its legitimate rights.

The foregoing is a brief account of the Iranian attitude toward the question of Riparian Boundaries. Obviously, all these rivers are International rivers as it is generally accepted that rivers which flow in more than one state are considered as International rivers. All these rivers originate in Iran and flow in Iraq. It is clear that International Rivers are governed by special considerations, as the great number of International Rivers in various parts of the world and the numerous disputes connected with them have led to comprehensive and objective studies of the problems of International rivers.

It is an internationally established axiom that states in normal circumstances should refrain from making changes in

the physical environment within their own territories which are likely to do damage to the physical environment in a neighbouring state. According to International Rules, not only is the state forbidden to block or divert the flow of a river which traverses its territory and continues its course into the territory of another state, but it is also prevented from the utilisation of the waters of such river in a manner detrimental to the interests of the neighbouring state in the use of these waters. Iran can therefore hardly find any legal justification for her acts of impeding the irrigation of Iraqi land and denying it its time-honoured rights on the plea that the projects undertaken by her are located within her own territory, since there is no escaping the fact that International Law imposes on the state unambiguous obligations in this respect.

It is difficult to believe that Iran is seriously convinced of the cogency of her arguments, for she has adopted a diametrically opposite attitude over the river Hilmand which originates in Afghanistan prior to its entry into Iran. Iran claims from its eastern neighbour (Afghanistan) what it denies to its western neighbour (Iraq), using in the one case arguments and evidences which she will not admit in the other. Furthermore, whilst Iran denies Iraq its unequivocal legal rights in the joint rivers, she is not satisfied with her full share in the river Hilmand which originates from Afghanistan but is claiming an additional share of the surplus waters made available by virtue of the dam the Afghanistan Government has constructed within its own territory. This example illustrates graphically the policy of the Iranian Government towards the neighbouring states.

Surely, it is anything but logical for one to claim a right for oneself and deny this very right, or even a lesser one, to others.

Boundaries in Shatt-al-Arab and the  
Iraqi-Iranian Boundary Treaty of 1937

When Iran continued in its violations, the Government of Iraq lodged a complaint with the League of Nations in 1934 asking for the settlement of these disputes. The League recommended direct negotiations between Iraq and Iran.

The arrival, however, at a settlement for these disputes required a change of policy on the part of Iran as well as her recognition of the legitimate rights of its neighbour, Iraq. As this was not forthcoming, the disputes remained unresolved accompanied by lengthy controversies, successive protests, and continual appeals for help by Iraqi nationals living in the border areas.

Along with denying Iraq its legitimate rights, whether laid down in agreements between the two parties, or those supported by International Law, Iran began to claim privileges and interests in Shatt-al-Arab which are based neither on a written agreement nor on any internationally accepted practice.

For a full understanding of the above, it is necessary to recapitulate the boundary position in Shatt-al-Arab since the completion of demarkation in 1914.

Boundary status in Shatt-al-Arab.

Shatt-al-Arab begins at the point of merger of the Rivers Tigris and Euphrates at Qurna. It flows a distance of 204 Kilometres prior to its discharge into the Arab Gulf. It runs through Iraqi territory on either side for a distance of 102 Kilometres down to a point to the south of Basrah. The Boundary Commission completed in 1913-1914 the boundary delimitation of Shatt-al-Arab at its second and third meetings. These boundaries are defined in the Table of Description of the Boundaries annexed to the Proceedings of the Commission.

The following appeared in the Table of Description of the Boundaries:-

"The frontier comes from the open sea and touches the left bank of Shatt-al-Arab at a point located at a distance of two miles downstream the fort currently belonging to Shaikh Khazzal. The position of the fort was observed from the terrace of the Imperial Ottoman telegraph office at Fao where its azimuth with the north was ascertained to be (87°). (1)

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(1) The original French text reads:

La frontière vient du large pour toucher la rive gauche du Chatt-el-Arab à un point situé à une distance de 2 milles en aval du fort appartenant actuellement au Cheikh Khazzaal. La position de ce fort a été observée de la terrasse du bureau télégraphique Impérial ottoman de Fao ou son azimut avec le nord fut constaté être de 87 degrés.

A partir de ce point, elle suit le niveau des eaux basses de la rive gauche du Chatt-el-Arab (rive d'Abadan) jusqu'aux deux îles situées devant Manyouhi (Mankouhi) qu'elle contourne de façon à les laisser à la perse. Elle vient, immédiatement rejoindre la ligne dudit niveau qu'elle suit jusqu'aux quatre îles situées entre Mouaouié (Maouiyé) et Choutait (Chetaït). Ayant contourné ces îles de manière à les laisser en territoire persan, elle se confond de nouveau avec la ligne du niveau des eaux basses et la suit jusqu'à l'île de Mahallé (Mouhalla), qui fait partie du territoire persan avec les deux îles situées entre celle-ci et la rive persane. Après avoir contourné Mahallé, en suivant toujours le même niveau, elle vient au point où commencent le port et l'ancrage de Mouhammerah. Ce point actuellement connu sous le nom de Touweïdjat, est situé à une distance de 4,650 pieds (1,417 mètres) du point le plus avancé de la rive gauche du Karoun près de sa jonction avec le Chatt-el-Arab.

A partir de Touweïdjat la ligne frontière se transfère en ligne directe au médium filum aqueo de Chatt, qu'elle suit en passant entre la rive persane et l'île qui porte le nom d'Oumm-er-Rassas dans sa partie orientale et d'Oumm-el-Khassasif dans sa partie occidentale, jusqu'à ce qu'elle arrive devant l'entrée orientale du Nahr-el-Khain.

La ligne frontière entre dans le Nahr et en suit le médium filum aqueo jusqu'à la borne No. 2.

From this point the frontier follows the low water line of the left bank of Shatt-al-Arab (the bank of Abadan) up to two islands located opposite Manyouhi which are encircled by the frontier in a manner leaving them to Iran. The frontier then immediately rejoins the low water line up to four islands located between (Maouiye) and Shoteit. After encircling these islands in such a manner as to leave them in the Iranian territory, it rejoins the low water line and follows it up to the island of (Mouhalla) which together with the two islands located between it and the Iranian bank forms part of the Iranian territory. After encircling (Mouhalla) and following always the same low water line it reaches a point where the port and anchorage of Mouhammerah begin. This point is at present known by the name Touweidjat and is located at a distance of 4650 feet (1417 metres) from the most advanced point of the left bank of Karun river near its confluence with Shatt-al-Arab.

The frontier line then departs from Touweidjat in a straight line along the medium filum aquee which it follows between the Iranian bank and the island known as Um-er-Rassas in its eastern part and Um-el-Khasasif in its western part, until it reaches opposite the eastern entrance of Khayeen river.

The frontier line enters the river and follows the medium filum aquee up to land-mark No. 2." (1)

It is to be noted that the Ottoman Government thereby conceded the city of Mohammarah and its anchorage, which had belonged to Iraq, in a desire to settle boundary problems between the two countries.

The Government of Iraq did not raise the question of Mohammarah in subsequent years, also in a desire to end the boundary disputes and foster amity and stability between the two neighbouring countries. Consequently, the Iraqi boundary follows the low-water line of the Iranian bank all along Shatt-al-Arab except for a limited area close to Mohammarah port (Khurramshahr) as was indicated by the Proceedings of the Boundary Commissions wherein the median line of the river (medium filum aquee) was considered the boundary line. This clearly meant that Shatt-al-Arab in its entirety was an integral part of Iraq save the area excepted around Mohammarah which was conceded to Iran.

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(1) This part is about 7 kilometres long.

It is noteworthy to state here that there is no binding general principle in International Law for the delimitation of riparian boundaries, except what the parties concerned agree to adopt. Either the thalweg or the median line may be adopted as the mark of riparian boundaries. Or, alternatively, the whole river may be agreed to belong to one country in which case the bank of the other country becomes the boundary line. This last method was generally adopted in the demarkation of Iraqi-Iranian boundaries in Shatt-al-Arab. The two parties have accepted that arrangement in deference to time-honoured rights, and solemnly entered into binding agreements endorsing these principles, such as the Erzurum Treaty of 1847 and the Constantinople Protocol of 1913, as well as the Proceedings of the Boundary Commission for the year 1914 and lastly the Iraqi-Iranian Treaty of 1937.

This method of demarkation of riparian boundaries is not a novelty as many riparian boundaries the world over have been similarly demarkated. The river Le Doubs which separates France from the Swiss Canton of Berne belongs to France and the bank of the said Canton is considered the boundary line while the entire river is French territory. Another instance is the river Le Vistule where the same method was adopted in 1919 for demarkating the boundary between Germany and Poland.

Any claim for a different arrangement for the boundary of Shatt-al-Arab other than that laid down in International Agreements cannot be seriously entertained. The recent declaration made by the Iranian Minister for Foreign Affairs in the Majlis may only be viewed in this context, as he claimed that International Law does not recognise any principle other than the thalweg for boundary delimitation in Shatt-al-Arab.

Furthermore, Iran has a sea coast on the Gulf extending over two thousand Kilometres. There are many ports and harbours on that coast. Khor Musa, for example, which is 50 Kilometres to the east of Shatt-al-Arab, has a very good deep-water harbour. Iraq's only outlet to the sea is Shatt-al-Arab which is formed by the confluence of the Tigris and the Euphrates rivers. Shatt-al-Arab therefore has far greater significance to Iraq than it can ever have to Iran.

In spite of all the obvious rights of Iraq to its territorial and riparian boundaries, Iran continued its violations

and seized the opportunity of the Iraqi Coup of 1936 to exert all possible pressure on the new government of Iraq which was at that time in great need for internal stability and external peace in order to secure a new agreement embodying its ambition in Shatt-al-Arab, promising that she would resort to joint action with a view to resolving all outstanding frontier issues which had been subject to continued procrastination on her part.

The Iraqi-Iranian Boundary Treaty of 1937 was concluded and the two Contracting Parties affirmed in Article (1) thereof their obligation to observe the Protocol relating to the demarkation of the Ottoman-Iranian frontiers signed in Constantinople on November 4, 1913 as well as the Proceedings of the Boundary Delimitation Commission of 1914. The two parties further proclaimed that the boundary line between the two states is the same as the one delimited and demarkated by the said Commission, subject to one exception mentioned in Article (2) as will be seen later.

#### Gains for Iran

Under this Treaty, Iran achieved at the expense of Iraq certain gains unjustifiably and in return for nothing. The following are among such gains:-

- 1) Iraq conceded to Iran part of its territory in Shatt-al-Arab through the amendment of the Iranian-Iraqi boundary line opposite Abadan, under Article (2) of the Treaty, which laid down the following:-

"The boundary line on reaching the furthest point of Shoteit island (approximately latitude  $30^{\circ} 17' 25''$  North, longitude  $48^{\circ} 19' 28''$  East) rejoins, in a line drawn perpendicularly to the low-water mark, the thalweg of Shatt-al-Arab and follows it as far as a point situated opposite the existing jetty No. 1 of Abadan (approximately latitude  $30^{\circ} 20' 8.4''$  North, longitude  $48^{\circ} 16' 13''$  East). From this point the boundary line rejoins the line of low-water and follows the tracing of the frontier as described in the Proceedings of 1914" (1)

Thus the boundary line in the area defined by this Article became the depth line (Thalweg) after it had been the low water line of the Iranian bank.

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(1) This portion is around 7 Kilometres in length.

2) Article (5) of the Treaty of 1937 provided for the conclusion of an agreement between the two parties concerning matters relating to navigation and maintenance of the river whereas Iraq holds exclusively the right to legislation in all such matters. Iran tries to exploit this new gain in a manner entirely at variance with the true purpose for which it was given, as will be made clear later.

3) Paragraph 3 of the Protocol annexed to the Treaty of 1937 laid down that the permission given by one of the contracting parties for the entry of a man-of-war into its ports shall be considered as though it has been granted by the other party.

This constitutes another gain for Iran which she should have duly appreciated and demonstrated co-operation and good-will in its use. Instead, she has commenced of late to employ this right as a means of pressure along with the other means resorted to by her with the object of securing new gains.

The only price offered by Iran in return for these gains was her pledge to the Government of Iraq to have the outstanding frontier issues solved in accordance with the Frontier Protocol of 1913 and the Proceedings of the Commission of 1914 - a pledge which she should have honoured out of her own accord tens of years ago by way of respect for her legal obligations. She failed, however, to fulfil this undertaking, as shall be seen later.

Oddly enough the Iranian Government continually neglects all boundary issues and overlooks her encroachments upon Iraqi lands and waters agreed upon a long time back, and recalls only her ambitions in Shatt-al-Arab for which she tries in vain to find some grounds in the Treaty of 1937, which she repeatedly brings to the fore, ignoring the rest of the frontier issues, although she knows full well that Iraq had granted her the new privileges she is enjoying in Shatt-al-Arab only in return for her undertaking to resolve these issues.

Worse still are the pretensions made every now and then by Iran, in some of her Notes, to the right of sovereignty over Shatt-al-Arab. Anyone acquainted with the principles of International Law knows that no state could possibly have the right to exercise its sovereignty over the territory of another sovereign state. Shatt-al-Arab is essentially an Iraqi territory as established by the relevant treaties.

Responsible officials in Iran have lately come forward with a new argument, namely, that since, as alleged by them, three quarters of the vessels cruising Shatt-al-Arab enter into Iranian ports, they maintain that their right in Shatt-al-Arab is more substantial than that of Iraq, and this, according to them, gives them the authority to exercise "the right of sovereignty" over the river.

We need hardly say that the ownership of Shatt-al-Arab is one thing and the right of its use is another. The right of use, no matter how extensive, cannot have the least effect upon the right of ownership.

Such arguments and pretexts are examples illustrative of what the Government of Iraq has been going through for a good many years in her dealings with the Iranian Government.

#### The Agreement of Maintenance and Navigation in Shatt-al-Arab

Never did Iraq at any time deny Iran the right to navigation in Shatt-al-Arab, and yet Iran has been claiming more than what is her due under this right.

Under Article (5) of the Frontier Treaty of 1937 between Iraq and Iran, the two parties undertook:

"To conclude a convention concerning the maintenance and improvement of the navigable channel, dredging, pilotage, dues to be levied, sanitary measures, measures to be taken for the prevention of smuggling, and all other measures relating to the navigation in the Shatt-al-Arab as defined in Article 4 of the present Treaty."

Iraq did not deny her obligation under this provision or the necessity of concluding an agreement covering these matters, but what actually stood in the way of the conclusion of such agreement was Iran's attitude of trying to turn this into a means of claiming rights which have no basis either in the Treaty nor in Iran's legal position in Shatt-al-Arab - a means of claiming a right in and administration

of Shatt-al-Arab similar to that enjoyed by Iraq. This Iran did through alleging the necessity of setting up a Joint Commission for the administration of Shatt-al-Arab.

The Treaty contains no provision requiring agreement upon the formation of such Commission. Undoubtedly, the principle of good faith in the implementation of agreements by no means lends support to Iran in her allegation, since the entire river - save two minor exceptions (1) - is an Iraqi territory. Furthermore, Shatt-al-Arab is a national river flowing in the territory of one state, starting from its head at Qurna down to Khayeen canal south of Basrah. On the basis of this legal position and by way of respect for the good faith in which the agreement should be implemented, Iran cannot possibly have the same authority exercised by Iraq in the administration of Shatt-al-Arab. Nevertheless, Iraq expressed its readiness to conclude the agreement and to have as well a Joint Commission set up with Iran and Iraq having equal representation, provided that such Commission shall be of a consultative nature. The Government of Iraq summed up this view, following subsequent correspondence, in a Note addressed by the Ministry of Foreign Affairs dated July 15, 1950, wherein it informed the Iranian Embassy in Baghdad that it considered the best means of achieving the purposes envisaged by Articles 4 and 5 of the Frontier Treaty was the adoption of the following two principles:-

1. Each party shall retain its sovereignty over such parts of Shatt-al-Arab as fall within its region but shall, however, undertake to exercise its rights in accordance with provisions to be agreed upon subsequently by the two parties.
2. The powers of the Commission shall be consultative and not executive, and its duty shall be to pave the way for the appropriate authorities of the two Contracting Parties, each in the parts belonging thereto, to adopt, to the maximum possible degree, unified systems for the administration of Shatt-al-Arab, and The Commission shall, further, receive

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(1) These two exceptions total about fourteen Kilometres whereas Shatt-al-Arab itself is 204 Kilometres long. The part along which the Iraqi-Iranian borders descend to the river is about 102 Kilometres in length.

reports and other information including the tariffs relating to duties and charges, from the governments of the two parties, and shall undertake the study of such reports and information and communicate its comments and recommendations thereon to the two governments, who shall give such comments and recommendations due consideration.

The Government of Iraq made it clear that acceptance of these two principles should be conducive to the conclusion of an agreement for maintenance and navigation in Shatt-al-Arab.

The Iranian Government did not, however, agree to this arrangement, and observed silence for some time, only to raise the question anew in 1955 and to insist upon the Joint Commission having executive powers.

Obviously, Iraq is unable, no matter how keen she is on the improvement of her relations with Iran, to entertain these allegations which are inconsistent with the legal positions of the two states in Shatt-al-Arab.

Meanwhile, Iran continued her violations of the provisions of the relative treaties as well as her trespasses on Iraq's clear rights. We shall content ourselves with the following examples:-

1. Dredging and pilotage charges due to the Port from Iranian traffic.

Considerable sums have become due to the Iraqi Port Authorities from the Iranian merchant ships navigating Shatt-al-Arab. These sums have been accumulating since 1953 and they now stand at a total of Iraqi Dinars 23,377/476 representing dredging and pilotage charges in Shatt-al-Arab. In order to further clarify the matter we should point out that the dues charged on Iranian ships are no more than those charged on Iraqi merchant ships or other foreign ships, and that the entire amount of the dues levied goes usually to the improvement and maintenance of the navigational routes and the approach of the river and to meeting such expenses as are incurred for the benefit of navigation. Iraq accepted this principle in Paragraph (a) of Article (4) of the Frontier Treaty, which reads:

The Shatt-al-Arab shall remain open to merchant ships of all countries equally. All dues levied shall be in the nature of payment for services rendered and intended solely to cover in an equitable manner the expenses of maintaining the navigability, and improving the navigable channel and the approach, of the Shatt-al-Arab from the seaward side or to meet expenditure incurred in the interest of navigation. The said dues shall be calculated on the basis of the official tonnage of ships or their draught or both together.

In the last paragraph of Article (2) of the Protocol attached to the Frontier Treaty, the Iranian Government agreed to the Government of Iraq undertaking all services relating to maintenance, including the collection of the dues claimed by the Port, in conformity with the provisions of the said Treaty and the Protocol appended thereto.

Despite the elucidation of the above points to the Iranian Government, it failed, however, to effect payment of any part of these dues. It suspended the question pending the settlement of the outstanding issues between the two countries and the conclusion of a maintenance and navigation agreement in Shatt-al-Arab, which are questions entirely unrelated to the one at issue.

## 2. The Port of Khusroabad:

We were informed by the Iranian Government, through a Note dated May 7, 1959, addressed by its Embassy in Baghdad, that (Khusroabad has been declared a sea port attached administratively to Khorramshahr and the Government of Iraq is requested to recognise it as such). The Government of Iran was served with a reply contained in the Note of the Ministry of Foreign Affairs No. S/625/625/4 dated June 9, 1959, which stated that, from the technical viewpoint, Khusroabad was not suited to be a sea port. As to the legal point of view, the Iranian Government was reminded that, under the relative boundary agreements, the Iraqi boundary in Shatt-al-Arab extends generally to the low water line of the Iranian bank, save two limited exceptions at the ports of Khorramshahr and Abadan, and consequently, the Iraqi boundary in the Khusroabad area embraces the entire waters of Shatt-al-Arab up to the low water line of the Iranian bank; hence, it was illegal to build an Iranian Port in this area, since its waters were in Iraqi territory falling under Iraqi sovereignty.

The Iranian Government followed an unfamiliar procedure in its request. It seized the opportunity of the arrival of some foreign ships at the approach of Shatt-al-Arab in the Arab Gulf and made the proclamation that Khusroabad was an Iranian Port attached administratively to the port of Khurramshahr, and asked the Government of Iraq to recognise it as such in four urgent successive Notes in addition to persistent verbal approaches, under the pretext that four ships were waiting in the Gulf and that their delay was costing them considerable amounts of money. The Iranian Consul in Basrah and the Iranian Port Authorities persisted in their contacts with the Iraqi Port Officials, although a decision on such a serious matter as the declaration of Khusroabad an Iranian Port, granting its feasibility from the legal and technical points of view, could only be taken after high-level discussions and negotiations between the two governments and not by surprise methods or through bringing pressure to bear on unauthorised technical personnel whose duties require them to observe fully the instructions in force and not deviate from or change such instructions. When the Ministry of Foreign Affairs elucidated the above points to the Iranian Embassy, the Iranian Government (as per its Embassy's Memorandum of June 6, 1959) resorted to threats, saying that Iran would for her part take all measures necessary for protecting what it called (its legal rights in the event of the failure of the Iraqi authorities to remove the obstacles they were placing in the way of these rights).

It would appear from this, that the Iranian Government intends to achieve its demands forcibly and in violation of the agreements in force, in a manner inconsistent with International Law.

### 3. Violation of the Port's Instructions and Orders:

The Iranian ships took to the violation of the Port's instructions which require the maintenance of control over ships and reporting on their movements as well as the announcing by such ships of their identities and their production of the necessary documents as well as compliance with local control measures. Such contraventions on the part of the ships constitute danger not merely to themselves but also to the movements of other ships arriving at and departing from the Port.

The violations committed by the Iranian ships and those working for the Iranian Companies have of late become more frequent. These ships started to enter into Shatt-al-Arab making their way towards Khusroabad under escort of Iranian gun-boats, without obtaining the approval of the authorities of Iraqi Ports and without having on board Iraqi pilots as required by the established rules and regulations.

To cite one example, a ship by the name of Pant Oil (21) belonging to the Pan-American Oil Company entered into Shatt-al-Arab on its way to Khusroabad and later left the river under the escort of Iranian gun-boats, unheeding the wireless signals to halt given to her by the Iraqi Shore Authorities. This act constitutes a clear contravention of the Port instructions which lay down that the captains of ships should have in their possession a pilotage certificate issued by the Port Authority; and in the event of their not having such certificate, it becomes necessary to have the ship under the guidance of an Iraqi pilot holding such certificate. Moreover, the Iranian Government has recently amassed provocative military concentrations all along Shatt-al-Arab and adhered to its contention that Khusroabad was an Iranian Port, despite the fact that its waters are Iraqi waters.

These acts on the part of the Iranian Government have become a menace to navigation and to the international interests in Shatt-al-Arab. Furthermore, they constitute a violation of international rules and infringement of the sovereignty of Iraq in the river as well as an obvious encroachment upon its territory. These contraventions on the part of the Iranian Government are still continuing in the river.

### Land Boundaries

The Iraqi-Iranian boundaries were delimited by the Boundary Commission in 1914, as pointed out above. The descriptions of the boundary pillars are defined together with the co-ordinates of their location in the Table attached to the Proceedings of the Commission. Article (3) of the Boundary Treaty concluded between Iraq and Iran in 1937 laid down the following:-

Immediately after the signature of the present treaty the High Contracting Parties shall appoint a commission for the purpose of erecting the frontier pillars the location of which has been fixed by the Commission mentioned in paragraph (b) of Article 1 of the present treaty and of fixing additional pillars which it considers useful to erect.

The composition of the Commission and the programme of its work shall be fixed by a special arrangement between the two High Contracting Parties.

The two Governments signed, pursuant to the provisions of this Article, an agreement on December 8, 1938, for organising the work of the Iraqi-Iranian Pillar Fixing Commission.

The two governments set up the Iraqi-Iranian Boundary Commission which proceeded with its work in December, 1938 starting with Pillar No. 1 located at the confluence of the Khayeen River with Shatt-al-Arab. The Commission fixed 68 pillars the last of which was at the location of the old pillar No. (10) situated near (Al-Kushuk Al-Basri).

In view of the rise of certain differences and the inundation of the area by the waters of Karun river, the Commission transferred its activities to Amara Province at the place called (Um Sheir) where it carried out triangulation surveys for defining Shatt-al-Ara with a view to fixing accurately the boundary line and erecting the necessary pillars. Here it became clear to the Iranian side that there was considerable encroachment upon Iraqi lands as a result of the construction by the Iranian Government of many police posts inside Iraqi territory. The Iranian side invented various excuses to have the fixing operations halted, whereupon work actually came to a stop and the Iranian side withdrew under instructions from its Government in May, 1940. Since then, the question of boundary delimitation has remained suspended.

### Repeated Acts of Aggression

In addition to all the foregoing, the Iranian Government has been indulging in provocative acts against Iraq during its Republican era on various occasions all along the boundary line. Undoubtedly, these acts are not compatible with the good-neighbour policy purported to be followed by Iran, a policy which Iraq was, and still is, keen on pursuing. We would not like here to resort to expatiation by relating all these acts and their details. We shall confine ourselves to the mention of some of them by way of example:-

1. Violation of Iraqi air-space
2. Trespasses against the Iraq village "Kani Pasha" and other villages
3. The detention of an Iraqi Patrol
4. The detention of the Mudir Nahiya (Administrative Officer) of (Al-Masharrah) and his men.

#### 1. Violation of Iraqi air-space by the Iranian planes:

Ever since the first months of the Revolution, the Iranian planes have been committing a series of encroachments upon Iraqi skies. It was explained to the Iranian Government on many occasions through Notes and interviews with responsible Iranian officials that the occurrence of such trespasses was a serious development that was hardly in keeping with the friendly relations existing between the two countries. Furthermore, these infringements did not occur in a single area but covered many areas stretching from north to south, which points to the fact that these incidents did not occur inadvertently or through a purely accidental mistake, and we had therefore to request the Iranian Government to take such measures as would guarantee the cessation of these encroachments and the non-repetition of similar incidents in the future. The Iranian planes continued, however, their violations of the Iraqi air-space and the Iranian Government failed to give due attention to our repeated protests and indulged itself in denials of these encroachments.

#### 2. Trespasses against the Iraqi village "Kani Pasha" and other villages:

On September 22, 1959, at about 8.00 a.m. an Iranian armed force, numbering around a hundred persons mostly

Iranian soldiers, attacked (Kani Pasha), an Iraqi village attached administratively to the Qadha (Administrative District) of Halabcha, coming into clash with its inhabitants and looting its cattle. The Iraqi Government had previously complained to the Iranian Government on many occasions of the concentrations of the Qalkhaniya tribes along the frontiers and the waging by these tribes of aggressive attacks on the Iraqi villages located near the borders, such as the village of (Zazwar), administratively attached to the Qadha of Khanaquin, which was subjected to firing and encirclement by these tribes who looted most of its cattle. The Government of Iraq had likewise notified the Iranian Government of the encroachments of Iranian troops upon Iraqi lands and the police posts, which are still continuing with the object of provocation and disturbance of the peace of Iraqi citizens. The Government of Iraq cited to the Iranian Government many examples of these acts such as the aggression of Iranian troops against the village of (Haj Hassan), attached administratively to the Nahiya of (Mardan), and the looting of its livestock, as well as against the Iraqi lands located between the Iraqi police post of Baznian and the Iranian police post of Hawani and their firing at the Iraqi Post (Da'iri Diwan).

The Iraqi Government protested to Iran against these aggressive acts through several Notes. The usual reply to these protests was either complete denial of the incidents or alleging their occurrence in a manner contradicting the facts.

### 3. The detention of an Iraqi Patrol:

The Iranian Government detained on the borders an Iraqi patrol assigned to the Iraqi post of (Kharnouba) in the Nahiya (Administrative sub-division) of Shatt-al-Arab. This took place in August 1959 while the patrol was on duty near the border. The patrol was taken to Khurramshahar and in spite of the Government's repeated requests for the release of its men and their hand-over to the Iraqi Border Authorities, the Iranian Government has not responded yet. The men of the patrol are still under detention and we hardly know what has become of them.

4. The detention of the Mudir Nahiya (Administration Officer) of (Al-Masharrah) and his men.

On December 8, 1959, the Iranian border authorities of Soskinkard located opposite the Qadha of Qal'at Salih arrested the Mudir Nahiya of Al-Masharrah and the officials in his company, while on an inspection tour, for no reason other than that their car had strayed a little beyond the border-line quite unintentionally and without any ill purpose. The Boundary Commissioner of Qal'at Salih consequently requested a meeting with his counterpart, the Boundary Commissioner of Sosinkard, in order to discuss with him the question of the detainees. The latter, however, turned down the request and ignored the former's correspondence on the matter, taking thereby an unfriendly attitude in violation of the Boundary Commissioners' Interim Agreement relating to the appointment of Commissioners on the Iraqi-Iranian borders, which calls for cooperation in the solution of such matters between the two parties. Furthermore, he showed undue strictness towards the detainees, and had them transferred under escort from Soskinkard to Al-Ahwaz. The authorities of Al-Ahwaz denied permission even to the Iraqi Consul at Khurramshahar to see these detainees. In a Note to the Iranian Government, the Iraqi Government related in detail the incident, pointing out that what had happened was no more than an occurrence that could happen to any of the official agents of the two states in the border areas. The Government of Iraq further indicated that the course pursued by Iran in connection with this incident was not one to be followed by a state keen on the maintenance of cordial relations with its neighbours. We have as yet received no reply to this Note.

## C O N C L U S I O N

We have attempted in these pages to place on record the basic facts concerning the dispute raised of late by Iran over certain boundary issues between the two countries. These facts are based on the provisions of treaties, agreements, protocols and the Proceedings of the Boundary Delimitation Commission, which are within reach of all. We have furthermore made a passing reference to certain principles of International Law and to the internationally recognised usage in this respect, in order that the reader, and every one having at heart the maintenance of peaceful and good-neighbour relations among nations, may be acquainted with the realities relative to the question at issue, so as to be able to pass judgement as to which party was responsible for the creation of the state of tension between Iraq and Iran, the two neighbourly countries bound together by historical and social ties as well as by a community of interests, which are of considerable importance not only to the progress of both the Iraqi and Iranian peoples but also to the cause of security and stability in the Middle East.

We have avoided going into the details of the question at issue for fear of expatiation. We feel confident, however, that this concise information and clear facts are bound to reveal the extent of tolerance exercised by the Government of Iraq in the face of Iran's transgressions on the rights of Iraq, her violation of pacts and infringement of the rules of International Law. The patience and tolerance shown by Iraq towards the attitude of Iran are not inspired by weakness or subservience but merely by Iraq's belief, Government and people alike, that the historical ties with Iran and her people bear great moral value which is not only worthy of respect but also of consolidation. This attitude, unfortunately, evoked neither response nor appreciation from the Iranian side. In point of fact, so challenging has been the Iranian side as to describe the attitude of Iraq as being motivated by an "imperialistic policy". This indeed calls for surprise as well as deep regret, particularly when the peaceful policy pursued by Iraq in her relations with all other countries has become apparent to all.

Iraq which has taken upon itself the pursuit of a policy of positive neutralism in all its relations with other countries and which has shown in practice its unwillingness to join international blocs as well as its untiring endeavours towards

building its relations with all nations on the basis of friendship and mutual benefit, considers it an unfriendly gesture to be accused by its historical neighbour, Iran, of following "an imperialistic policy", especially when such accusation emanates from the highest Iranian personage - His Majesty the Shah.

In bringing this to mention, we sincerely hope that world public opinion will examine these recorded facts and recall to mind the series of constructive deeds and acts so far undertaken by Iraq whether in its relations with the states with whom it is bound by treaties and conventions, or by its conduct and attitudes in the United Nations and its Agencies. All this constitutes ample proof of Iraq's faith in the necessity of the prevalence of peace among nations as well as its good will towards and respect for international obligations in spite of the military concentrations amassed by Iran in the Shatt-al-Arab area and the charges heaped against Iraq by the Iranian propaganda organs and the utterly false descriptions formulated by these organs, with the object of confusing public opinion, the Iraqi Foreign Minister made a statement on December 29, 1959, in which he pointed out that:

1. Iraq works towards the solution of differences through peaceful methods, direct and indirect, and, when necessary resorts to the United Nations and other international bodies in the event of it becoming apparent that such methods are non-conductive to the desired results.
2. It abides by and respects treaties, agreements and conventions complying with the principles of International Law in the conduct of its foreign relations.
3. It observes and gives due consideration to the relation of neighbourhood and works towards the promotion of good neighbour relations, on the basis of historical ties and mutual benefits.
4. It adheres most firmly to its rights and defends them with the utmost vigour, and repels, by every legitimate means, any aggression directed against it.

In the light of the foregoing, there is hardly need for further assertion that Iraq is a state which believes in the necessity of establishing peace on the basis of understanding and mutual interests between nations. It works devotedly towards the consolidation of peace and security, in the world in general and the Middle East in particular drawing support in the exertion of these endeavours from the adherence of all nations to the principles of the United Nations and the rules of International Law and their abiding by treaties and agreements, and the settlement of their differences through peaceful means.

Iraq is no different in this respect from other peace-loving nations, working towards the establishment of a world community in which all live in fraternity and amity, guided by civilized rules and principles.



وزارت امور خارجه

29/5  
2/4

30 APRIL 1969

Tehran

H.E. Neam al Neamah,  
Under-Secretary of the Ministry of Foreign  
Affairs of Iraq.

With reference to Your Excellency's letter of 16th April 1969, I wish to state that since in the second meeting, Your Excellency expressed doubt on the goodwill of the Imperial Government, whilst as a matter of course you were fully aware of all the proceeding, negotiations and the efforts that the Imperial Government of Iran had made by its several delegations throughout many years for making it incumbent upon Iraq to fulfil the obligations emanated from the 1937 Treaty, I felt with regret that no tangible result would be obtained by continuing the negotiations under such conditions. I therefore returned to Tehran on the instruction of my Government. With reference to the points mentioned in your letter:

1. The principle of honouring pledges (Pacta Sunt Servanda) which you mentioned in your letter in support of your contention, has unfortunately

been kept in disregard and abeyance by the Government of Iraq in the case of the Frontier Treaty of 1937, for

- a) The Government of Iraq, in spite of repeated requests by the Imperial Government during the thirty years which have elapsed since the conclusion of the Treaty, perpetually abrogated and nullified clauses 4 and 5 of that Treaty and clause 2 of the Protocol attached to it. In accordance with the text of these clauses and the Protocol attached to the Treaty the administration of Shatt-al-Arab had to be undertaken jointly by the two Governments in accordance with a special agreement. It has also laid down that an agreement should be concluded between the two parties within one year of the date of the signing of the Treaty. It was also laid down in the Protocol that the revenues derived from Shatt-al-Arab should be spent on the improvement of navigation facilities in Shatt-al-Arab, and that the Imperial

Government of Iran should be informed every six months of all work done, the revenue received, the expenditure which had been made, and any other measures taken in regard to Shatt-al-Arab. In spite, however, of the obligation which were clearly mentioned in clause 3 of the Protocol attached to the Treaty, the Government of Iraq refrained from fulfilling the obligations which made it incumbent upon Iraq to submit six monthly reports on the affairs of the Shatt, except on one instance, namely in 1938 when such a report was submitted to the Government of Iran. Following the protests by the Government of Iran, the Iraq Government promised to send regularly the six monthly report as from the year 1948. This undertaking was not carried out either.

- b) It must be mentioned further that the Government of Iraq had also devised and carried out in Shatt-al-Arab a number of laws and regulations, which has had a unilateral bias, without

obtaining the acceptance of the Government of Iran, and has not given any effect to the protests by the Government of Iran against such action.

- c) In view of the precedent of the case mentioned above, it is astonishing to find Iraq resorting to the principle of Pacta Sunt Servanda. For it is the Government of Iraq, which, contrary to the principles they have brought forward, has abrogated the Frontier Treaty of 1937 in various instances and, in fact has unilaterally and practically abrogated the Treaty by not carrying out the purports of the clauses and the obligations which have been the real object and purpose of the said Treaty. The attitude taken by the Imperial Government with regard to the 1937 Treaty, namely declaring it valueless and null and void, is therefore the natural result of the abrogation of the Treaty by the Government of Iraq.

2. From the legal and geographical stand-points Shatt-al-Arab can not come under the dominance

and absolute sovereignty of Iraq, since more than half of its waters flow from the rivers of Iran and the main portion of navigations on the Shatt are destined for the Iranian ports. It is quite clear therefore that the Government of Iran can not consider for itself any rights less than those of Iraq.

From the general tone of the 1937 Treaty and the real significance of the Protocol attached to it, it is clearly and fully understood that Shatt-al-Arab is not under the absolute sovereignty of Iraq. Furthermore, in accordance with the principle accepted by the international law and the almost unanimous practice of all governments, the sharing of benefits from the navigable rivers necessitates the equality of rights of the coastal countries, and no special privilege has been recognized for one country and loss for another.

3. It could be mentioned over and above the foregoing that the circumstances which resulted in the insertion of clause 4 of the Protocol attached to the 1937 Frontier Treaty has changed, and that change necessitates the creation of a new regime for making use of the river and for safeguarding the rights of both parties.

I must state in conclusion that the Imperial Government of Iran has interest in keeping its friendly and amicable relations with the Republic Government of Iraq, and is ready to conclude a new treaty for fixing the water frontiers in Shatt-al-Arab on the basis of and in accordance with the common practice of the international law, and it hopes that the Government of Iraq whilst recognizing the indisputable rights of Iran in Shatt-al-Arab, will follow the same policy and will help in strengthening the cordial relations between the two countries.

With the assurance of highest considerations.

Political Under-Secretary  
Ministry of Foreign Affairs of Iran.



BAKHTIAR'S CABLE TO AL-BAKR

According to foreign sources, Teymour Bakhtiar has sent a cable to the Iraqi president Hassan al-Bakr, calling Iraq "a haven for Iranians" and has asked the Iraqi Government to reconsider its policy towards Iranians. (The Iraqi Interior Ministry's decision in this respect appeared in our bulletin on Thursday - Echo)

The cable, which is said to have been sent from Italy on June 5, 1969, is as follows:

"His Excellency Ahmad Hassan al-Bakr, President of the Iraqi Republic; Members of the Revolutionary High Council, the Presidential Palace, Baghdad. I send you my respectful greetings. There is an issue, which I hear, has been exaggerated out of all proportions by the Iranian press on orders from the Ministry of Information and the Security Organization, thus causing wide-spread anxiety. This concerns the expulsion of a number of Iranians domiciled in Iraq.

"Naturally, this is one of the sovereign rights of our country (ie Iraq!) whether it grants or refuses residence permit to any alien; or to expell the citizens of another state, especially when relations are strained with that state. What has prompted me to intervene in this matter is the special relations that exist between Iraq and Iran; and the many ties that serve as bonds between the two peoples. Few, if any, two countries can be found which have so many common spiritual and material ties. Since these ties are known to all, I shall desist from mentioning them.

"However, these spiritual ties make Iranians consider Iraq their second homeland; and to turn to it in time of need and stress. Besides, many religious people wish to spend the last days of their life near the holy shrines. But at present, there is yet another reason in addition to these; and that is the special conditions that have prevailed in Iran in the past few years, which have destroyed freedom and democracy, and have replaced them with bullying and oppression.

"For these reasons, the oppressed and unfortunate people of Iran have turned to Iraq and find a haven in it. Iraq, thanks to the brave efforts of our Iraqi brethren, has toppled the castles of dictatorship and corruption, the havens of imperialist agents and the nests of spies, over the heads of the traitors; re-building on their ruins a free and independent state which is admired and respected by the Iranian compatriots. Iranians expect a share of the freedom and comfort that their brethren have attained at a time when misfortune has befallen them. Therefore, to expel them would not be compatible with the chivalry expected of the revolutionary and free Iraqi regime.

"On the other hand, the strained relations-created between two brotherly countries, by the ruling circles in Iran, have been exploited as a pretext to crush Iranian freedom-lovers, and all those who oppose bullying and oppression; to dismiss and retire educated and patriotic young officers and to replace them with flatterers, in order to better sacrifice national interests for the sake of the personal gains and materialistic interests of foreign servants. Otherwise there is no reason why thirty-two years later, at a time when a national freedom movement has began in Iran, and when the nation is on the verge of revolt, they should change the name of Shatt al-Arab to Arvand rud.

(Bakhtiar - contd.)

"There is no other reason but a desire to seize this as a pretext to bring pressure to bear on the freedom-loving opposition.

"I apologize for going to such lengths, but I had to mention these facts in order to clear the mind of the public; and to throw more light on the subject; and thus to have greater attention paid to this request.

"The purpose of this preamble was to show that Iraq is a haven and a refuge for Iranians. Every oppressed and pained Iranian cherishes the hope of seek, and find, asylum, in Iraq. I should also like to add that the expelled Iranians live under extremely bad conditions, according to information received, and that they are treated very badly.

"At present, a number of my compatriots have been caught between two sides, and my compatriot feelings and my interest in the good relations between Iranians and Iraqis prompt me to request you, Mr. President and members of the High Revolutionary Council that:

- "1. Instructions be issued to end the expulsion of  
Iranians;
- "2. Iranians who take refuge in Iraq be issued with residence  
permits and
- "3. Should the expelled Iranians wish to return to Iraq, they be  
given entry permits.

"These decisions should be made public by radio and the press. I trust these your Excellency and the honourable members of the High Revolutionary Council will agree to these requests and will ensure my gratitude and pride as well as the happiness and comfort of my Iranian compatriots. I am confident that my Iraqi brethren will also be pleased with such a decision.

"In conclusion I offer my unending gratitude and greetings to your Excellency and to each honourable member of the High Revolutionary Council and wish the friendly and neighbouring Iraq greatness and glory.

"Sincerely, Lieut. General Bakhtiar."

(Baghdad Radio)

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LETTER DATED 29 APRIL 1969 FROM THE ACTING PERMANENT  
REPRESENTATIVE OF IRAQ ADDRESSED TO THE PRESIDENT OF  
THE SECURITY COUNCIL

Upon instruction from my Government, I have the honour to inform you of the following:

The Iranian Deputy Minister for Foreign Affairs, in a statement made in the Iranian House of Senate on 19 April 1969, declared the Government of Iran's unilateral abrogation of the "Iraqi-Iranian Boundary Treaty of 1937".

This unilateral action constitutes a clear violation of the rules of international law. The action is illegal and Iran alone bears the international responsibility for it.

The rules of international law generally are obligatory with regard to the respect of treaties, and do not particularly sanction the unilateral abrogation or amendment of boundary treaties under any circumstances. This rule is absolute even if a state of war exists between the two States which are bound by a boundary treaty. The coming into effect of a boundary treaty is never extensive in time; it takes place once and for all and the purposes of the treaty are realized upon its coming into force. All these rules of international law govern the "Iraqi-Iranian Boundary Treaty of 1937", and are binding on both countries.

The Iranian renunciation of the 1937 Treaty was accompanied by massive disposition of troops, naval and air force units all along the Iraqi borders. This constitutes a serious threat to the security and the territorial integrity of the Republic of Iraq. In fact, some of these troops and military units have actually been used in violating Iraqi sovereignty in Shatt-al-Arab, and in conducting acts which constitute a serious intervention in the Iraqi administration of Shatt-al-Arab which is an indivisible part of Iraq's internal jurisdiction .

./ All /.

All these acts constitute a flagrant violation not only of the Boundary Treaty between the two countries, but also of one of the basic and generally recognized principles of international law which prohibits States from interfering in the exclusive territorial jurisdiction of another State, or to carry out any executive action on the territory of another State. These acts also constitute a clear contravention of paragraphs 3 and 4 of Article 2 of the United Nations Charter, which read:

"3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

"4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations".

The position of the Government of Iraq has always been, and still is, to abide by the rules of international law, the principle of the United Nations Charter and the provisions of the Boundary Treaty of 1937, as bases in regulating its relations with Iran, and the solution of any dispute which may arise between the two countries.

Iraq, however, categorically rejects and absolutely refuses to cede any part of its national territory or its national waters. This solid position is based on firm bases of international law and the sacred rights of the Iraqi people. It will never be shaken by threats or military dispositions.

I would request that this letter be circulated as a document of the Security Council.

Accept Excellency, etc.

(Signed) Adnan RAOUF  
Acting Permanent Representative of  
Iraq to the United Nations

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## وزارت امور خارجه

His Excellency U Thant,  
Secretary-General of the  
United Nations,  
New York

Excellency,

We, the undersigned, students at the Centre for Graduate International Studies of the University of Tehran; deputizing for the young and enlightened generation of Iranian; and as persons wholly conversant with the precepts of International Law and of Human Rights; wish, hereby, to respectfully draw your Excellency's thoughtful attention, as custodian of the august principles enshrined in the Charter of the United Nations and as Guarantor of the implementation thereof, to the inhuman and unwarranted conduct of the Government of the Republic of Iraq which has perpetrated deeds of unspeakable cruelty, irreconcilable with the dignity and honour of the human person, towards tens of thousands of innocent compatriots of ours. It is an undeniable fact that many of these have, for years on end, lived in that country and have never ceased being a thoroughly law-abiding element bringing its constructive share to the enrichment and flowering of the economic and social life of Iraq and whose only "guilt", as it were, has been to have

made their homes in that country primarily in order to be in the proximity of Holy Shrines of the Islamic Faith therein situated. Others there have been, who journeyed there on pilgrimage to said shrines, inadvertently getting caught in the tempest that has been the execution by the Iraqi Government of its tyrannical policy of selective repressions which may - with justification - be regarded as a veritable pogrom.

The aforementioned repressions have included, among other kinds excelling each other in their inhumanity, physical beatings leading on occasions to the demise of subjects thereof; expropriation of property and of personal and family effects without compensation whatsoever; forceful expulsion, with estrangement under duress from immediate relatives as the effect in many tragic cases.

Being fully confident that these actions of the Government of the Republic of Iraq endanger the peace and security of the Middle East and, at the same time, appreciating the position of the Imperial Iranian Government which, true to its traditional policy in International affairs, has demonstrated commendable restraint and patience in the face of these provocations, and has desisted to this day

from resorting to any radical and punitive measures whatsoever against the perpetrators of same; taking no step other than complaining to the United Nations against such, inviting investigation thereof and due action thereupon; and being fervent protagonists of the noble cause of peace and tranquility everywhere and particularly in this region, we do not wish for forceful reaction to these detestable deeds. We are, however, equally determined that if the United Nations to which we look for bringing about redress of the consequences of these actions in harm to life and property of persons, and immediate cessation thereof; does not decide upon positive action to this effect; we will be called upon by our consciences to insist upon our government taking whatever steps necessary to save the lives and effects of our wronged brethren.

We are sure that Your Excellency will share our conviction that no logic whatsoever can rationalize the unfounded cause and effect relationship between the declaration of lapse due to non-performance of an unjust and extrenally imposed 1937 treaty regarding the Shatt-el-Arab and the uncalled-for reaction of rage thereto demonstrated by the Government of the Republic of Iraq in the form of retaliation against thoroughly innocent countrymen of ours.

- 4 -

Concluding, we wish once again to ask Your Excellency to send such observers as Your Excellency may deem appropriate to Iraq, in particular the towns of Karbala, Kazemein, Najaf and Baghdad, and to Iranian border towns to investigate, at close quarters, the evidence supporting our contention. These could clearly be witnessed at the border points within Iranian soil where homeless Iranian expellees have temporarily been housed. Such factual, eye-witness reports would prove to Your Excellency the gravity of the situation and the reasons for our anxiety and deep concern.

Respectfully yours,

Students of Centre for  
Graduate International  
studies,  
University of Tehran

President of Student  
Association

KAMAL GHARSI



وزارت امور خارجه

IRANIAN HUMAN RIGHTS COMMITTEE

Cable

May 5, 1969

The President  
International Committee of the Red Cross  
Geneva, Switzerland

Mr. President,

Taking note of the terms of paragraphs 5 and 6 of Article 6 of the statute of the International Red Cross, the Iranian Human Rights Committee has asked me to draw the attention of the International Committee of the Red Cross to acts of torture, cruel, inhuman and degrading treatment to which contrary to the minimum humanitarian considerations Iranian pilgrims and people of Iranian origin are subjected to in Iraq. Within the last few days, thousands of these people many of which have lived in Iraq for decades, have been separated from their families and forced to leave the country. In most cases their families have no knowledge of their whereabouts. In addition many claim that their families are left without means of support in Iraq.

The Iranian Red Lion and Sun Society is active in bringing relief to several thousands of such individuals who by now have crossed the Iranian frontiers. The Primary purpose of this cable is to urge ICRC to undertake urgent measures to provide relief and assistance to the families of these people in Iraq. We urge the ICRC to designate an emissary to visit Iranian border towns to draw up a list of such families for the purpose of bringing relief and assistance to them in Iraq. We also urge that the ICRC undertake whatever other actions appropriate within its terms of reference for the purpose of helping to alleviate the inhuman policies and practices exercised by the Government of Iraq.

Respectfully yours,

Professor M. Ganji,  
Secretary-General



وزارت امور خارجه

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The President  
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Respectfully yours,

Professor M. Ganji,  
Secretary-General



وزارت امور خارجه

Petition addressed by the Iranian Human  
Rights Committee to the Secretary-General  
of the United Nations

Secretary-General  
The United Nations  
New York, N.Y.,

Excellency,

I have been asked by the Iranian Human Rights Committee to draw your attention to acts of torture, cruel, unhuman, and degrading treatment to which, contrary to civilized standards of treatment, tens of thousands of our fellow countrymen and people of Iranian origin have been subjected in the Republic of Iraq. To further substantiate the information contained herein we are sending you, through the United Nations Office in Tehran, a film which gives evidence to such atrocities.

We are in possession of information to the effect that within the past number of days, the government of Iraq has undertaken search and seizure without warrant of the houses of Iranian residents and pilgrims. The same is being carried out as regards shops owned by Iranians and peoples of Iranian origin. Even the Holy Shrines of the Shi'ite sect have not been immune of acts of intrusion interfering with religious rites and services.

Within the last few days thousands of Iranian pilgrims and peoples of Iranian origin, who have lived in Iraq for decades, have been separated from their families and forced to leave the country. Refugees arriving in Iran report that the Iranian community is harrassed by the Iraqi police. They report arbitrary arrest, detention, torture, and long interrogation. Many of the refugees carry on their bodies marks caused by torture. Several refugees report that one person lost his life as a result of police brutality in the course of interrrigation.

The Iraqi police are reported to be obstructing the movement of pilgrims and people of Iranian origin under the pretense of searching for arms and ammunitions.

The reports state that the Shi'ite religions leaders in Iraq have strongly protested against the persecution of pilgrims and peoples of Iranian origin living in Iraq. As a sign of this protest the Shi'ite religions leaders decided to cancel prayer meetings.

The Government of Iraq has indeed rendered itself guilty of cruelties against, and persecution of innocent Iranians and peoples of Iranian origin who have lived in that country for decades.

It is our earnest belief, sir, that continuation of such outlawry by the Government of Iraq which has shocked the conscience of our people and that of civilized mankind will further endanger peace and security of this region. Failing appropriate international action, the public opinion in Iran is apt to press for drastic action by the Iranian Government to protect the life and personal safety of those unfortunates who have been made subject of such cruelties.

A week ago we in Iran, celebrated the anniversary of the International Conference on Human Rights held in Tehran , May 22, 1968. Iraq was one of the participating countries in that Conference. Paragraph 2 of the Proclamation of Tehran which was unanimously adopted at that Conference, with the concurring vote of Iraq, reads that:

" The Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community."

We shall refer only to some of the articles of the Declaration to show the contempt and flagrant disrespect of that Government for the most fundamental precepts of the Universal Declaration of Human Rights.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 3. Everyone has the right to life, liberty and security of person.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.**

**Article 9. No one shall be subjected to arbitrary arrest, detention or exile.**

**It is in view of such flagrant and gross violation of the most basic rights of Iranian pilgrims and people of Iranian origin residing in Iraq that we urge you sir to;**

- 1. appoint a special representative to investigate and report to you information on the conditions of Iranian pilgrims and people of Iranian origin residing in Iraq;**
- 2. adress an urgent request to the Government of Iraq to immediately rescind all measures contrary to the civilized standards of conduct and the basic fundamental rights of Iranian pilgrims and peoples of Iranian origin residing in Iraq;**
- 3. call upon that Government to observe fully the rule of non discrimination in employment and occupation as contained in the 1958 I.L.O. Convention in regard to the people of Iranian origin residing in that country;**

4. draw the attention of the Government of Iraq to the grave consequences resulting from disregard of the fundamental rights of pilgrims and peoples of Iranian origin residing in Iraq and call upon it to desist forthwith from taking any action which would violate the fundamental rights of those peoples;
  5. request that Government to take immediate appropriate measures in order to reunite families who have been separated as a result of that Government's arbitrary actions and to compensate for the losses of properties suffered by them as a result of those acts;
  6. bring this petition to the attention of States Members of the Security Council, the United Nations Commission on Human Rights, the Economic and Social Council and members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
- Please accept, Sir, the assurances of my highest considerations.

Respectfully yours,

Professor Manouchehr Ganji  
Secretary-General

Iranian Human Rights Committee,  
68 Ave. Mohamed Reza Shah,  
Tehran - Iran



وزارت امور خارجه

LETTER DATED 9 MAY 1969 FROM THE PERMANENT  
REPRESENTATIVE OF IRAN TO THE UNITED NATIONS  
ADDRESSED TO THE PRESIDENT OF THE SECURITY  
COUNCIL

Sir,

Further to the letter of 1 May 1969, in which I drew your attention to the grave situation which of its own making the Government of Iraq has precipitated, and also to the situation created by Iraq through 32 years of persistent refusal to carry out its treaty obligations leading to the abrogation of the 1937 treaty in its entirety, I have the honor to inform you of certain other aspects of the matter. At that time I sought to lay bare the policy of threats, intimidation and vilification against my Government which the Government of Iraq has resorted to in its attempts to deny Iran its sovereign rights in Shatt-El-Arab.

On 15 April 1969, the Under-Secretary for Foreign Affairs of the Government of Iraq, at a meeting held in Baghdad with His Imperial Majesty's Ambassador, while asserting sole and exclusive rights over Shatt-El-Arab demanded that Iranian ships sailing the river should lower their flags while in those waters. Moreover, he also demanded that Iran withdraw Iranian naval personnel on board such boats. Failing compliance, he threatened that the Iraqi Government will forcibly

ject such individuals and, lower the Iranian National Flag in future, will not allow any boat sailing towards Iranian ports to enter into Shatt-El-Arab.

In effect, this constituted not only a threat but also a demand for surrender by Iran of its sovereign rights in Shatt-El-Arab. It goes without saying that no sovereign and independent Government would countenance such threats and could permit its sovereignty to be thus impaired. As was made clear in the statement of 19th April 1969 by the Deputy Foreign Minister of Iran, referred to in my earlier letter, we shall not be intimidated by such threats of force. Nor shall we permit anyone to dishonour our flag. It must be made abundantly clear that we shall spare no effort to safeguard our sovereign rights and national dignity in accordance with the Charter of the U.N. The measures which my Government has so far taken to enable its commercial and all other vessels to resist the unlawful and vexatious acts of interference with them by the Iraqi authorities are a minimum exercise of its sovereignty, and indicate the restraint which we continue to show in the face of persistent Iraqi encroachments on Iranian rights.

The complaint of the Iraqi representative concerning the stationing of Iranian troops on the border with his

country is, as usual, less than candid. The measures we had to take in that respect were a response to threatening military movements by his government. As soon as they recall their troops, our will be withdrawn and returned to their barracks.

It is with great regret that I am obliged to inform you also of the alarm caused my Government and the public opinion of my country by the indefensible measures of harassment and mass expulsion, mass arrest and torture taken against Iranian nationals in Iraq and against Iranian pilgrims to the Holy Shrines at Karbala and elsewhere in Iraq. Coming so soon after the Government of Iraq approved the Tehran Declaration on Human Rights these measures taken against innocent and defenseless people as a means of bringing pressure on my Government are a further and most unhappy evidence of the irresponsible attitude of the Government of Iraq to the obligations solemnly undertaken. In this connection, I shall be glad to make available to the Members of the Security Council information setting forth in details the inhuman treatment of Iranian nationals in Iraq.

As Aslo pointed out in my previous letter, by its action and attitude having set aside a sine-qua -non part of the Treaty provisions, the Government of Iraq has, in effect,

rendered meaningless and null and void the Treaty in its entirety. The persistent refusal by the Government of Iraq for the last 32 years to carry out its Treaty obligations, in good faith, under Articles 4 and 5 of the Treaty and Article 2 of its attached protocol, has led to a situation resulting in the abrogation of the Treaty in its entirety. The responsibility for the abrogation of the Treaty therefore, rests solely and exclusively on the Government of Iraq.

The attitude of the Government of Iraq as the beneficiary of a coloneal regime is easy to understand, but it is far from being statesman like, far-sighted and realistic. Does the Government of Iraq wish to continue to close its eyes to all the good work that through international cooperation and conferences, since the early part of 19th century, has gone into preparation of rules and regulations governing the rights and duties of riparian states and the regime of navigable rivers bordering on 2 or more states? Does the Government of Iraq, in all seriousness, entertain the notion that the Government of Iran would allow the water of Shatt-El-Arab, more than half of which originate from sources in Iran, to fall within the sole and exclusive dominion of Iraq. We have no designs on other people's legitimate rights, but at the same time we shall not allow our sovereign rights on a river which runs along our shores to be tampered with.

Looking at the problem from another aspect, it must be pointed out that we can no longer permit the injustices inherited from a situation imposed by colonialism to continue to deprive us from our sovereign rights.

On this occasion I must revert to the Treaty of 1937 on which the Government of Iraq purports to rely in support of its illegal conduct. As is readily evident from a reading of that document, its principle object was to perpetuate the control by the British Admiralty of the water of the Persian Gulf and of the Shatt-El-Arab. This could only be accomplished by riding rough-shod over the immemorial rights of Iran. But even a colonial power was not so brazen as to seek altogether to fly in the face of what equity, to say nothing of law and history, required. The acknowledgement of that justice required recognition of Iran's right to a free and unfettered use of the Shatt-El-Arab was contained in articles 4 and 5 of the Treaty and in clauses II, III, and IV of the protocol annexed to it. As I have already explained the measures required to implement those provisions have not been taken because of the evasions and obduracy of the Government of Iraq.

With the end of colonial domination in the area which the Treaty was designed to assure, the purpose of the Treaty has lapsed and it is no longer expressive of the situation

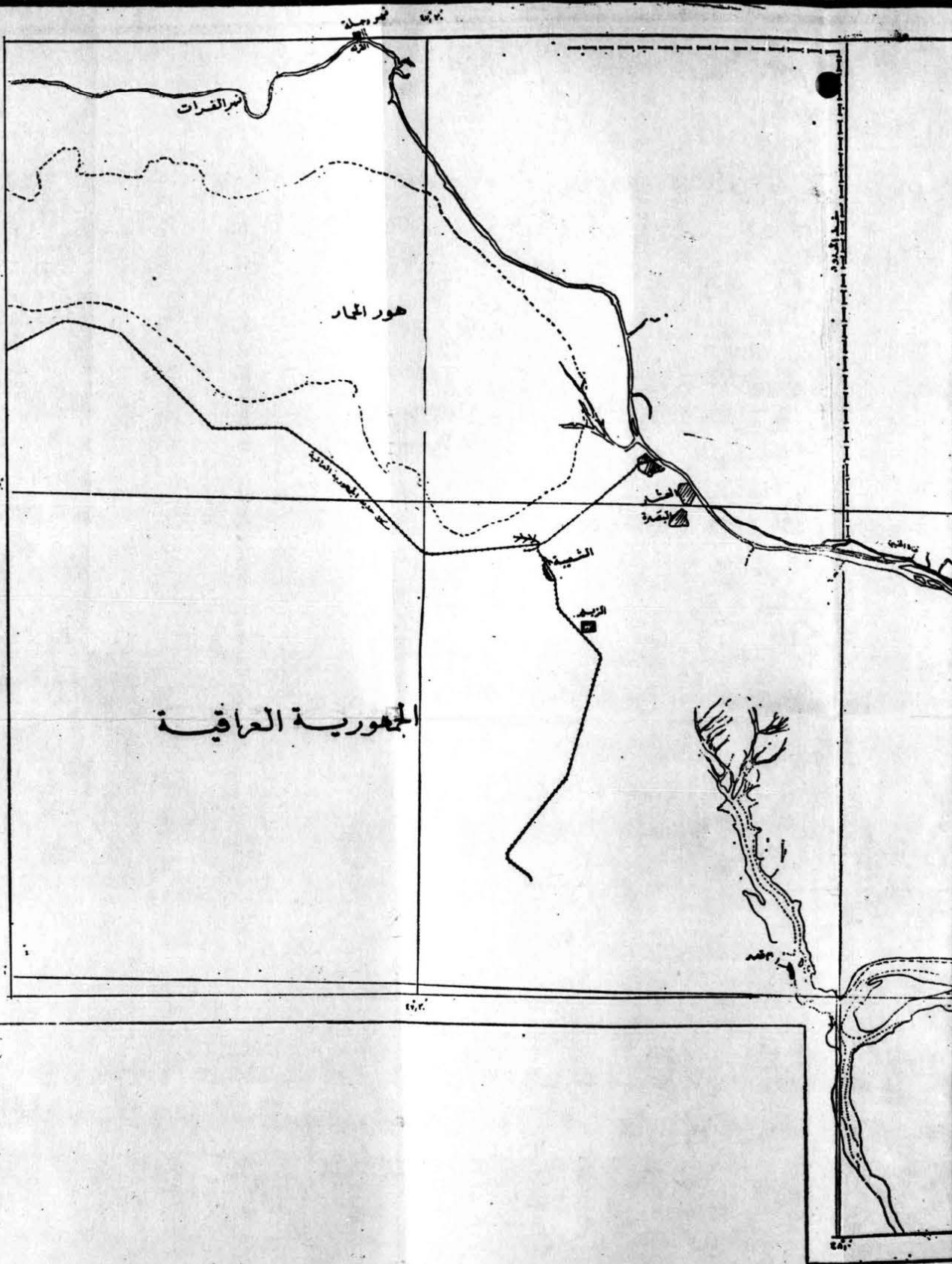


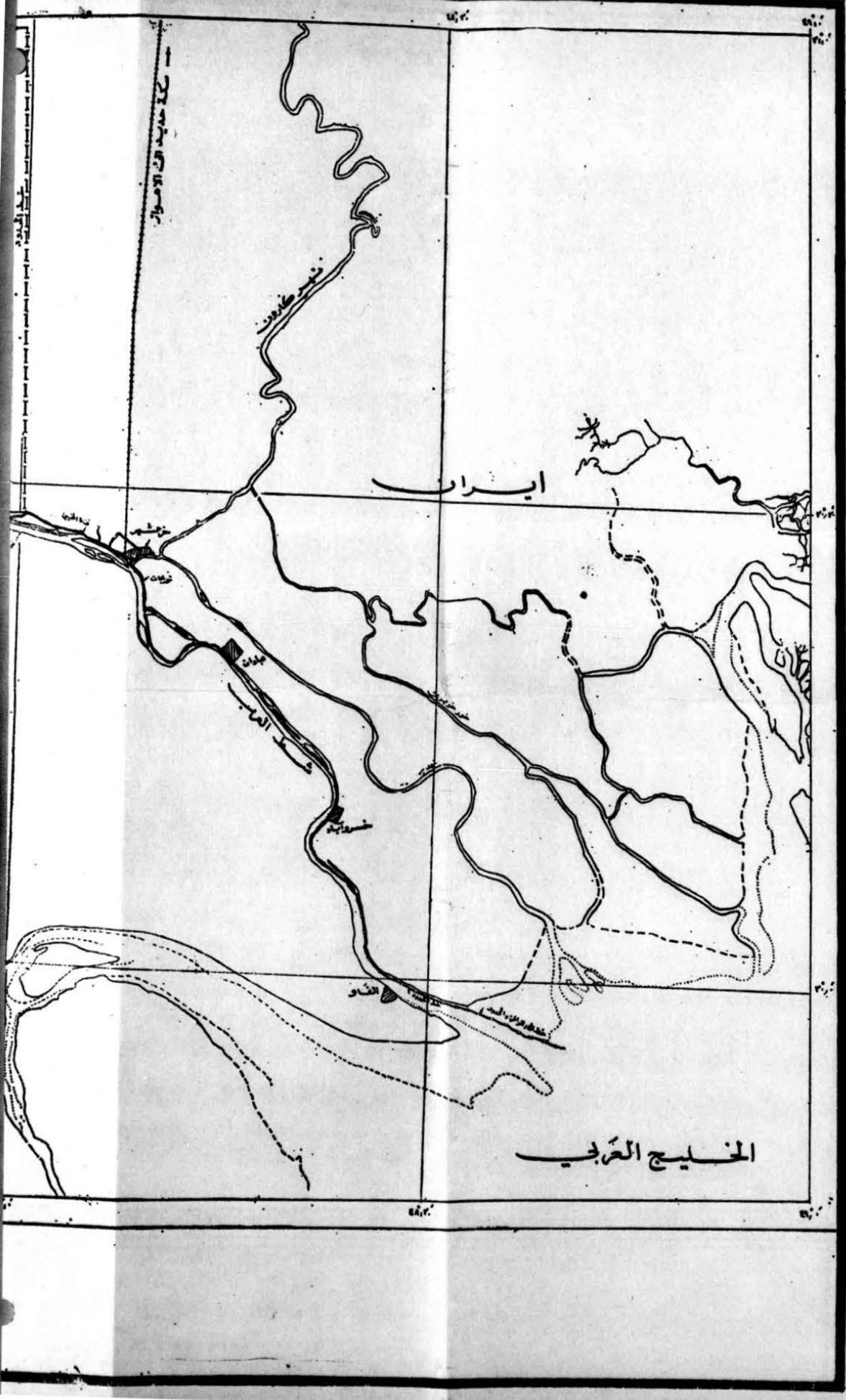
## وزارت امور خارجه

6

which now obtains there. The Government of Iran cannot agree that Iraq is to be regarded as standlog in the shoes of its former colonial master, nor that the advantages of the new freedom from past burdens can accrue solely to Iraq while Iran continues to bear them. It can never accept a Treaty in which one side appropriates all the advantages assigned to it, while refusing to acknowledge those which accrue to the other side.

In conclusion, I should like to reiterate that while we shall remain steadfast in the face of any encroachments againsts our inalienable rights, we also stand by the offer we have made in good faith to the Iraqi Government. We are prepared to conclude, immediately, a new treaty with Iraq under which the sovereign rights of both nations would be safe guarded in Shatt-El- Arab in accordance with established rules of international law and justice. In this way, it is our earnest hope that a major obstacle to the good neighbourly relations between our two countries would be removed once and for all, and thus pave the way for making the waters of the Shatt-El- Arab serve the interest of both countries for the common good.

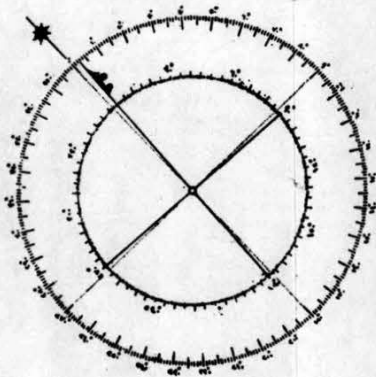




مدينة بغداد

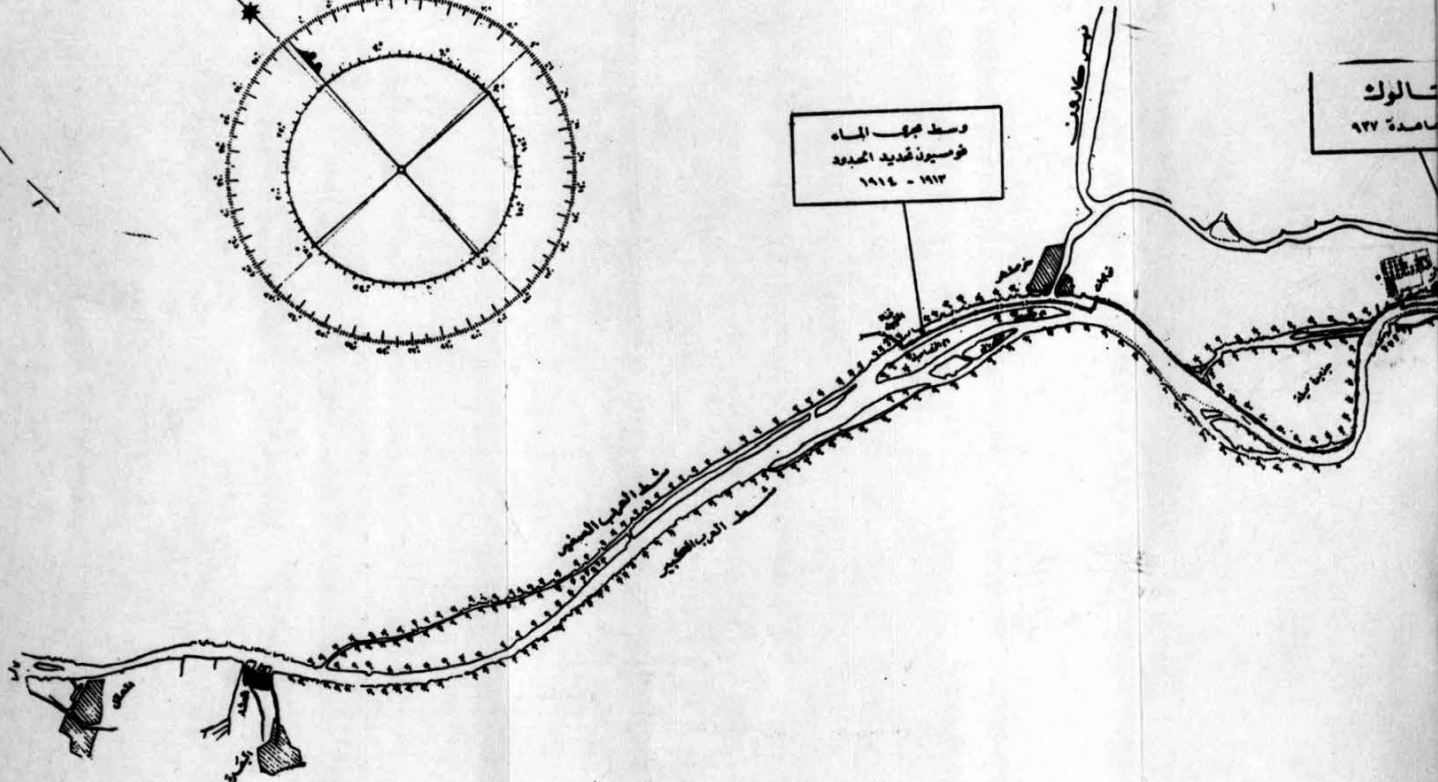
بغداد

الخليج العربي



وسط جوف الماء  
خوسيون قديم المجدد  
١٩١٤ - ١٩١٣

تالوك  
٩٣٧



١٠٠٠٠٠ / ١٠

التلوك  
حسب مقياس ٩٣٣

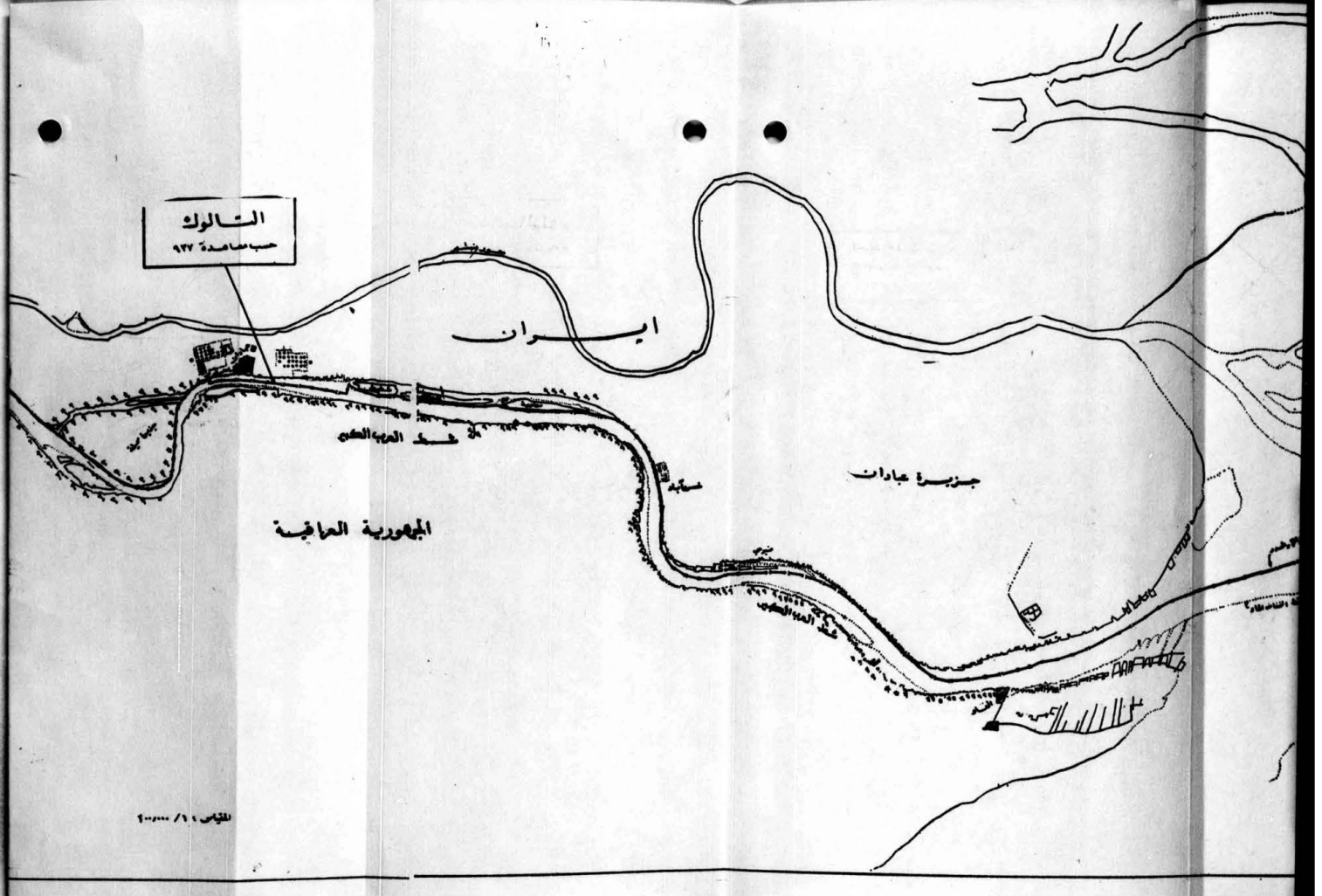
ابيران

شك المير الطين

جزيرة عبادات

البحرية العاقبة

المقياس ٩٣٣ / ٩٣٣

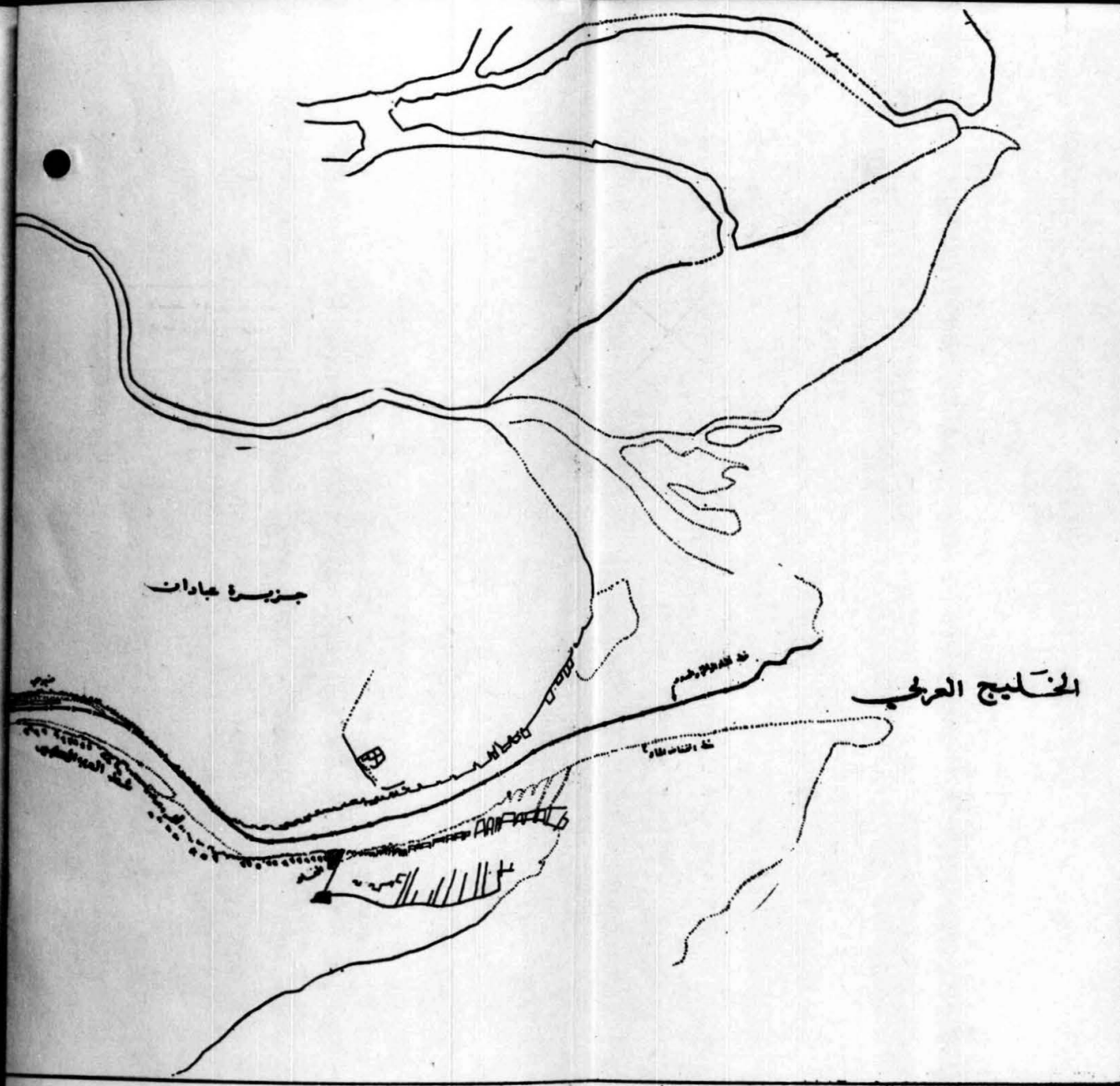


الخليج العربي

جزيرة عبادان

الكويت

البحرين





المؤسسة العامة للمكتبات والأرشيف  
مطابع دار الجمهورية

والنفقات المتكبدة وعلى جميع التدابير الاخرى المتخذة .

٣ - ان الاجازة التي يمنحها احد الفريقين السالين المتقادين لاحدى السفن الحربية او لاحدى السفن الاخرى الحكومية غير المستخدمة في مقاصد تجارية المائدة لدولة ثالثة لاجل الدخول في احدى الموانئ المائدة الى ذلك الفريق السلمي المتقاعد والواقعة في شط العرب تعتبر اجازة منحت من قبل الفريق السلمي المتقاعد الاخر وذلك لكي تتمكن السفينة المذكورة من استعمال المياه المائدة له في شط العرب عند مرورها منه .

مع ذلك عندما يمنع احد الفريقين السالين المتقادين اجازة من هذا

القول عليه ان يخبر بذلك الفريق السلمي الاخر فوراً .

٤ - مع الاحتفاظ بما لايران من حقوق في شط العرب فمن المفهوم انه ليس في الماهدة المبحوث عنها ما يخل بحقوق العراق وواجباته ونسق التعهدات التي قطعها للحكومة البريطانية فيما يخص شط العرب عملاً بالمادة الرابعة من الماهدة المورخة في ٣٠ حزيران سنة ١٩٣٠ وفي الفقرة السابعة من ملحقها الموقع عليه بنفس التاريخ .

٥ - يبرم هذا البروتوكول في نفس الوقت الذي يبرم فيه ماهدة الحدود ويكون ملحقاً بها وجزءاً لا يتجزأ منها ويدخل في حيز التنفيذ مع الماهدة في وقت واحد .

كتب هذا البروتوكول باللغات العربية والفارسية والفرنسية وعند وجود اختلاف يكون النص الفرنسي هو النص المول عليه .

كتب في طهران بنسختين في اليوم الرابع من شهر توز سنة ألف وتسعمائة وسبع وثلاثين هجلاية .

لوقته له به رعاياها قد يرضى بغيره - ربحه ثلثا بوسملا رويح اقاله ربحه -  
 قباله ١٢ لوباليت ربحه ١٢ قباله وليا ربحه قيد فاجبه الاصيل  
 قباله ١٢ قد يرضى ربحه ١٢ لوباليت ربحه ١٢ قباله ربحه ١٢ قباله ربحه ١٢  
 قباله ١٢ ربحه ١٢ قباله ربحه ١٢ قباله ربحه ١٢ قباله ربحه ١٢

## بروتوكول

ان الفريقين الساميين المتعاقدين حين قيامهما بالتوقيع على معاهدة الحدود بين العراق وايران متفقان على مايلي :-

١ - لاجل تثبيت المقاييس الجغرافية المذكورة على وجه التقريب في المادة الثانية من المعاهدة الانفة الذكر بصورة نهائية تؤلف لجنة خاصة من خبراء يمين كل من الفريقين الساميين المتعاقدين عددا متساويا منهم وتقوم اللجنة المشار اليها بتثبيت المقاييس المذكورة ضمن الحدود المينة في تلك المادة وتدون نتائج التثبيت بمحضر يكون بعد ان يوقع عليه اعضاء اللجنة المشار اليها جزءا لا يتجزأ من المعاهدة .

٢ - يتعهد الفريقان الساميان المتعاقدان بمقد الاتفاقية المنصوص عليها في المادة الخامسة من المعاهدة في بحر سنة واحدة من تاريخ تنفيذ المعاهدة . فاذا لم يكن في الامكان عقد هذه الاتفاقية في خلال السنة وذلك بالرغم عن الجهود المبذولة من قبلهما يجوز عندئذ تمديد المدة المذكورة باتفاق مشترك بين الفريقين الساميين المتعاقدين .

توافق الحكومة الايرانية الامبراطورية على انه في خلال مدة السنة المنصوص عليها في الفقرة الاولى من هذه المادة وفي خلال تمديد هذه المدة - في حالة ما اذا جرى التمديد المذكور - تأخذ حكومة العراق على عاتقها وفق الامس العجالية المزعجة امر القيام بكافة الامور التي ستعالجها الاتفاقية المذكورة وتقوم الحكومة الملكية العراقية باطلاع الحكومة الايرانية الامبراطورية مرة كل ستة اشهر على الاعمال المنجزة والعوائد المגיעة





ب - محاضر جلسات لجنة تحديد الحدود لسنة ١٩١٤ •

ونظرا الى احكام هذه المادة وماعدا ما هو وارد في المادة التالية يكون خط الحدود بين الدولتين عين الخط الذي تم تعيينه وتخطيطه من قبل اللجنة المذكورة أعلاه •

#### المادة الثانية :

ان خط الحدود عند ملتقاء بمتهى النقطة الكائنة في جزيرة شطيط (في الدرجة ٣٠ والدقيقة ١٧ والثانية ٢٥ من العرض الشمالى والدرجة ٤٨ والدقيقة ١٩ والثانية ٢٨ من الطول الشرقى على وجه التقريب ) يعود فيتصل على خط ممتد عاموديا من خط انخفاض المياه بنالوك شط العرب ويتبعه حتى نقطة كائنة أمام الاسكلة الحالية رقم ١ في عبادان ( في الدرجة ٣٠ والدقيقة ٢٠ والثانية ٨٤ من العرض الشمالى والدرجة ٤٨ والدقيقة ١٦ والثانية ١٣ من الطول الشرقى على وجه التقريب ) • ومن هذه النقطة يعود خط الحدود فيسير مع مستوى المياه المنخفضة متبعا لتخطيط الحدود الموصوف في محاضر جلسات السنة ١٩١٤ •

#### المادة الثالثة :

يقوم الفريقان الساميان المتعاقدان توا بعد التوقيع على هذه المعاهدة بتأليف لجنة لاجل نصب دعائم الحدود التي كانت قد عينت اماكنها اللجنة المذكورة في الفقرة (ب) من المادة الاولى من المعاهدة وتعين دعائم جديدة مما ترى فائدة في نصبه •

وتعين تشكيلات اللجنة ومنهاج أعمالها بترتيب خاص يجري بين الفريقين الساميين المتعاقدين •

#### المادة الرابعة

تطبق الاحكام التالية على شط العرب ابتداء من النقطة التي تنزل فيها الحدود البرية بين الدولتين الى النهر المذكور حتى عرض البحر :-

صاحب الجلالة ملك العراق  
من جهة

وصاحب الجلالة الامبراطورية شاهنشاه ايران  
من جهة اخرى

بناء على رغبتهما في توثيق عرى الصداقة الاخوية وحسن التفاهم بين  
الدولتين وبغية وضع حد بصورة نهائية لقضية الحدود بين دولتيهما قد  
قررا عقد هذه المعاهدة وعينا عنهما مندوبين مفوضين لهذا الغرض :-

صاحب الجلالة ملك العراق  
صاحب المعالي الدكتور ناجي الاصيل وزير خارجية الدولة العراقية  
الملكية .

وصاحب الجلالة الامبراطورية شاهنشاه ايران :

صاحب المعالي عناية الله سميعي وزير خارجية الدولة الايرانية  
الامبراطورية .

اللذين بعد ان تبادلوا وثائق تفويضهما فوجداها صحيحة اتفقا على مسا  
ياتي :-

المادة الاولى :

يوافق الفريقان السامين المتعاقدان على اعتبار الوثائق التالية باستثناء  
التعديل الوارد في المادة الثانية من هذه المعاهدة واثائق مشروعة وعلى انهما  
ملزمان بمراعاتها :

أ - البروتوكول المتعلق بتحديد الحدود التركية الايرانية والموقع  
عليه في الاستانة بتاريخ ٤ تشرين الثاني ١٩١٣ .

صاحب الجلالة ملك العراق

من جهة

وصاحب الجلالة الامبراطورية في اعتناء ايران

من جهة اخرى

باسم وبعينهم في توقيع عري الصداقة الاسيرة وحسن التفاهم بين

الدولتين واما وضع حد معرلة نهاية لقتلة الحدود بين دولتهما هذه

فورا عند

## معاهدة الحدود بين العراق وايران

مع البروتوكول المرفق بها

الموقع عليها في طهران

في ٤ تموز ١٩٣٧

صدقت بانقانون رقم ( ١٦ ) لسنة ١٩٣٨

الذي يحد من تبادل وتوقي عريهما لوجدها بجمعية اتفاقا على

بأن

المادة الاولى :

وتحق الفرقان المتساويان على اعلان الوثائق التالية باستثناء

المعدل الوارد في المادة الثانية من هذه المعاهدة والتي مشروعة وعلى انها

ملزمان بموافقتها :

أ- البروتوكول المرفق بتحديد الحدود التركية الايرانية والموقع

عليه في الاسكندرية بتاريخ ٤ تشرين الثاني ١٩١٣

السلم والامن الدوليين ومبادئ الامم المتحدة وميثاقها والتزامه بالمعاهدات والاتفاقيات المعقودة بينه وبين الدول الاخرى ، لذا فانه يعلن استعداده للتفاوض مع ايران وفق احكام معاهدة الحدود المعقودة بين البلدين عام ١٩٣٧ ووفق مبادئ وقواعد القانون الدولي .

ويأمل العراق حكومة وشعبا ان ترجع السلطات الايرانية الى الصواب ، وتتنهز الفرصة والعرض العادل الذي يقدمه العراق اليها لاجل حل هذه المشكلة والمشاكل الاخرى القائمة بين البلدين والتي مضى عليها اكثر من ثلاثين سنة دون مبرر قانوني .

معاهدة الحدود بين العراق وايران

مع البروتوكول المرفق بها

الموقع عليها في طهران

في ٤ تموز ١٩٣٧

صدقت بالقانون رقم ( ١٦ ) لسنة ١٩٣٨

(١٢) أما ما اشارت اليه السلطات الايرانية في الكراس الذي وزعته من استمدادها لحل المسألة سلميا فانه تحريف للكلمات ، وايهام الرأي العام حيث تريد ان تكون المفاوضات مع العراق على اساس الشروط التي تفرضها وهي الاشتراك مع العراق في السيادة على شط العرب خلافا لاحكام معاهدة الحدود لعام ١٩٣٧ وتعديل خط الحدود بين البلدين في الشط وجعله في الثالوك بدلا مما هو عليه الان في الضفة اليسرى من شط العرب . والجمهورية العراقية لا يمكنها بأي حال من الاحوال التفاوض مع فرض شروط مسبقة ومع وجود قوات عسكرية ضخمة مجهزة على الحدود في شط العرب وفي مناطق اخرى من الحدود البرية بين البلدين اذ ان ذلك يعتبر فرض معاهدة جديدة بالقوة وهذا الاسلوب في عقد المعاهدات لا تقرها قواعد القانون الدولي ولا قبلها المجموعة الدولية .

ان موقف ايران الثمتم وغير القانوني تجاه العراق منذ ثلاثين سنة أو اكثر وعدم التزامها باحكام المعاهدات والاتفاقيات الموقعة مع العراق بشأن الحدود والاستقرايات ضد العراق والتجاوزات على اقليمه وسكوت العراق وتسامحه كل ذلك يؤكد ان سياسة ضبط النفس والتقل تلك السياسية التي يتبها العراق تجاه بران لا تلقى التقديرا اللازم من جانب السلطات الايرانية والطبقة الحاكمة الايرانية .

ان السياسة التي يتبها العراق تجاه ايران ليس من باب الضعف أو الاذعان بل لان العراق وايران يرتبطان بروابط تاريخية واجتماعية ومصالح مشتركة ذات اهمية كبيرة وقيمة مبنوية من الواجب احترامها وتعيمها .

والعراق على الدوام يحرص كلما حرص في سياسته الخارجية وتصرفاته ومواقفه الدولية على توثيق علاقاته مع الدول كافة ومع الدول المجاورة له بصورة خاصة كما يؤمن ايمانا صادقا بوجوب الحفاظ على

وثنائق قانونية تبيح لهم الدخول الى العراق والاقامة فيه ، أما الايرانيون الذين دخلوا الى العراق بصورة مشروعة ولديهم وثائق قانونية نافذة تخولهم الاقامة في العراق فانهم ما يزالوا موجودين في العراق ويمارسون اعمالهم بكل حرية كما يعاملون معاملة كريمة .

(١١) اما بشأن أجهزة الاعلام الايرانية وتضليل الرأي العام واللغة البذيئة المستعملة من قبل الصحف الايرانية فامر واضح لكل مطلع عليها او يسمع اذاعة الاهواز أو اذاعة طهران وأن القصد من ذلك إثارة الرأي العام الإيراني وإيهامه بأن العراق متجن عليه ويهدد كيان إيران ويعتدي على سيادتها وعلى الرعايا الإيرانيين وكل هذه الادعاءات والمزاعم لاصحة لها ولا أساس لها من الواقع تستند عليه وانما يقصد بها إيهام الرأي العام في إيران والخارج لتغطية الاعمال والاجراءات الايرانية غير المشروعة من إلغاء المعاهدة وتحشيد الجيوش على الحدود وتهديد العراق باستعمال القوة كما يقصد بذلك الهاب شعور الحماس لدى الإيرانيين وكسب تأييد الرأي العام في إيران في هذه القضية .

مع كل ذلك فان الجمهورية العراقية التزمت جانب الصبر والهدوء ولم تقم بالرد على اعمال واجراءات واستفزازات السلطات الايرانية بالمثل بل اعلنت منذ أول يوم للالزمة ان العراق يلتزم باحترام المعاهدات المبرمة بينه وبين إيران وبميثاق الأمم المتحدة ومبادئه وقواعد القانون الدولي ولا يلجأ الى القوة لحل مشاكله بل يلجأ دوما لحل مشاكله مع إيران بالطرق السلمية والمفاوضات ووفق احكام المعاهدات والاتفاقيات المعقودة مع إيران والنافذة المفعول والملزمة لهما ، كما ابدت حكومة الجمهورية العراقية استعدادها للمفاوضات مع إيران وفق تلك الاسس المشار اليها أعلاه ، ولكن إيران حسب العادة لم تلتفت الى هذا العرض العادل من جانب العراق لانها دوما لا تلتزم باحكام وقواعد القانون الدولي وتود فرض ارادتها والواقع بغية تحقيق بعض المكاسب الإقليمية على حساب العراق .

سفير الجمهورية العراقية في طهران التوسط لدى السلطات العراقية المختصة للسماح للايرانيين بمغادرة العراق وعودتهم الى ايران بأسرع وقت حتى لا يشملهم قانون الاقامة العراقي الجديد الذي يقضى بالجنس لمدة ثلاث سنوات أو بترامة قدرها ثلثمائة دينار لكل من دخل العراق بدون جواز سفر او دون وثق قانونية تفعله ذلك . وقد ابدت حكومة الجمهورية العراقية حسن نيتها ووافقت على مغادرة هؤلاء الايرانيين الذين كانوا يقيمون في العراق بصورة غير مشروعة واعادتهم الى ايران دون تطبيق خصوص القانون الجديد عليهم ، وقد قدم السفير الايراني في بغداد شكره الى السيد وزير خارجية الجمهورية العراقية على هذه المساعدات والاجراءات كما قدم السيد عباسي خليمري وكيل وزارة الخارجية الايرانية بدوره الشكر الى سفير الجمهورية العراقية في طهران على ما ابدته السلطات المختصة في هذا الشأن . علما بان عدد افراد الجالية الايرانية في العراق لا يتجاوز عن خمسة وعشرين الفاً نسمة وليس كما جاء في الكراس من انها تقدر بمئات الالوف .

هذا وأن الرعايا الاجانب في العراق بما فيهم الايرانيين يلقون كافة المساعدات ويمامون معاملة طيبة وان قانون الاقامة العراقي يشملهم جميعا وبالتساوي دون تمييز اما معاملة المسلمين الاجانب الى الاراضي العراقية بصورة غير مشروعة فان حكومة الجمهورية العراقية استادا الى حق السيادة وحماية لانها ومصلحتها الوطنية طبقت القانون المذكور ، هذا وان الذين اخرجوا كانوا لا يحملون جوازات سفر او وثائق قانونية تخولهم الدخول الى العراق والاقامة فيه .

وعليه يقضح ان الاشخاص الايرانيين الذين اعيدوا الى ايران قد تمت اعادتهم بناء على طلب السلطات الايرانية نفسها ، مع العلم بان مسؤولا الايرانيين الذين سمحت لهم السلطات العراقية المختصة بمغادرة العراق والمودة الى ايران هم من الاشخاص الذين لا يحملون جوازات سفر او



البلدين عام ١٩١٣ ثم جاءت معاهدة الحدود بين العراق وايران واعترفت  
بهذه الحدود وبالوثائق التي تحددها .

إذا فان زعم السلطات الايرانية ان معاهدة الحدود لعام ١٩٣٧ شاذة  
ومخالفة للعرف الدولي أمر غير واقعي وغير قانوني ولا ينسجم مع واقع  
ووضع كل من العراق وايران وحقوق العراق في شط العرب منذ الازل  
بصفته نهرا عراقيا صرفا ، ثم ان المعاهدة المذكورة من المعاهدات ذات  
التسوية النهائية وتعتبر منفذة بعد التصديق عليها .

(أ) تزعم السلطات الايرانية ان الظروف التي عقدت فيها معاهدة  
الحدود بين العراق وايران قد تبدلت جذريا في الوقت الحاضر عما كانت  
عليه ، الامر الذي يدعو الى وضع قواعد جديدة لتنظيم الاستعمال العادل  
لهذا الممر المائي الدولي . الخ .

من المستغرب ان تدعي ايران هذه الادعاءات التي لا أساس لها من  
الواقع ، فما هي هذه الظروف التي تغيرت تغيرا جذريا وما علاقة هذه الظروف  
في معاهدة الحدود ؟

ان الفقه والقضاء الدوليين أخذ بالمبدأ القائل ، بان معاهدات واتفاقيات  
الحدود لا يمكن ان يطبق بشأنها مبدأ تغير الظروف لان معاهدات الحدود  
تنظم أوضاعا دائمة ونهائية وهذه لا يؤثر عليها تغير الظروف أو التذرع  
بهذه الحجة لابطالها ، لان مثل هذه المعاهدات تكون منفذة وتضع نظاما  
ثابتا يكون له قيمة دائمة ونهائية ليس فقط بالنسبة للدول التي وضعته  
وأقرته وانما للدول الاخرى بصورة عامة حتى لو لم تشارك في وضع ذلك  
النظام باعتباره انه يتفق ومصلحة المجموعة الدولية ويساعد على استقرار  
السلم والامن الدوليين ، والقول بخلاف ذلك أو بالاحرى الاخذ بالنظرية  
الايرانية معناه الفوضى وعدم الاستقرار ونشوب الحروب وتغير خريطة  
العالم ويمكننا ان نتصور في حالة الاخذ بتلك النظرية الايرانية أي تغير  
سيحدث على الحدود بين الدول في جميع أنحاء العالم وأي اضطراب أو أي

المائة اما بناء على التالوك او بناء على خط الوسط .  
ان هذا الزعم لا ينسجم والقواعد القانونية وما هو معمول به في التطبيق  
الدولى وما هو مسلم به فقها وقضاء .

ان الحدود العراقية الايرانية في شط العرب ليست بدعة في رسم  
الحدود وانما هناك عشرات من المعاهدات كلها تشير الى ان الحدود تمر  
في احدى ضفتى النهر الفاصل بين الدول وتمود ملكية النهر الى احدى  
الدولتين المتعاقبتين فهناك مثلا الحدود بين فرنسا وسويسرا في نهر  
(الدوب) حيث تمر الحدود في الضفة اليسرى من النهر وتمود ملكية  
النهر الى فرنسا وهناك مثلا نهر (الفتولا) بين المانيا وبولندا حيث تمر  
الحدود في احدى ضفتيه ويعود النهر لاحدى الدولتين وهناك امثال عديدة  
لانود ذكرها خشية الاطالة .

هذا ومن الجدير بالذكر ان ليس هناك قاعدة عامة تمارفت عليها الدول  
لتعيين الحدود في الانهار ولكن القاعدة الرئيسية هي انه في حالة وجود  
معاهدة أو اتفاقية تنظم ذلك فالحكم يكون لنص الاتفاق أو المعاهدة لان العقد  
شريعة المتعاقدين ولا يصار الى القواعد العرفية او الفقهية الا في حالة عدم  
وجود نص في الاتفاقية يرسم الحدود او ينظمها والحال في شط العرب  
واضح وصريح حيث ان المعاهدة ترسم خط الحدود بين البلدين في  
الضفة اليسرى من شط العرب لذا فلا يمكن الرجوع الى آراء فقهية  
وقواعد يزعم ان عرف الدول تواتر على قبولها في رسم الحدود في المرات  
المائة لان مثل هذا العرف لم يتقرر الا بالنسبة لبعض الانهار ولا يمكن  
القول بان ماقرر بشأن نهر من الانهار يمكن تطبيقه بالنسبة لنهر اخر .  
والعراق اذ يتمسك بهذه الحدود القائمة في شط العرب بين البلدين  
لانها الحدود القانونية التى عينتها المعاهدات والاتفاقيات منذ ما يقرب من  
مائة وعشرين عاما اى منذ عقد معاهدة ارضروم عام ١٨٤٧ بين الدولة  
العثمانية وايران ثم اكدها بروتوكول القسطنطينية لتحديد الحدود بين

(٦) ورد في الصفحة (٩) من الكراس اندي وزعه السلطات الايرانية بشأن قضية شط العرب من ان الحكومة العراقية خالفت مرارا احكام الفقرتين ٣ و ٤ من البروتوكول اذ انتهكت سيادة ايران عام ١٩٤١ وعام ١٩٥١ من قبل السفن البريطانية الحربية .

ان هذا الادعاء لا يتفق والواقع اذ ان السفن الحربية البريطانية بموجب احكام الفقرة (٤) من البروتوكول الملحق بالمعاهدة لعام ١٩٣٧ مهي مستتاة من احكام معاهدة الحدود لعام ١٩٣٧ والتقييدات التي وردت فيها هذا وان المراق كان ملتزما تجاه بريطانيا بموجب معاهدة التحالف الموقعة عام ١٩٣٠ بتقديم كافة التسهيلات والموانئ والمواصلات الى القوات البريطانية وبناء على هذه الالتزامات فقد نص في البند (٤) من البروتوكول على استثناء التزامات المراق تجاه بريطانيا من احكام معاهدة الحدود وما ورد فيها من قييدات خاصة البند (٣) الذي يوجب الاجبار . اضافة الى الاستثناء الذي اشترط اليه فان المراق كان محتلا عام ١٩٤١ من قبل القوات البريطانية التي توترته الوطنية في مايس عام ١٩٤١ واعلانه الحرب على بريطانيا واشتباكه معها في مباركة ضارية طوال شهر كامل ، وان دخول البواخر الحربية البريطانية الى شط العرب واحتلال الاراضي الايرانية كان بعد احتلال المراق من قبل القوات البريطانية ، ونحسن نسأل كيف يستطيع المراق المحتل بعد قتال دام شهرا كاملا انهك قواه ، ان يمتنع بريطانيا وقواتها العسكرية من تسير بواخرها الحربية في شط العرب بينما لم تستطيع ايران نفسها وهي البلد المستقل من الصمود امام القوات البريطانية يوما واحدا . ولذا فان المراق لم يخالف احكام المعاهدة كما تدعي السلطات الايرانية .

(٧) ورد في الصفحة (٦) من الكراس موضوع البحث ان معاهدة الحدود الموقعة بين البلدين عام ١٩٣٧ شاذة ولذا يجب استبدالها ، لانها مخالفة لقواعد العرف الدولي التي تجعل الحدود في الممرات الدولية

(٦) ورد في الصفحة (٦) من الكراس الذي وزعته السلطات الايرانية بشأن قضية شط العرب من ان الحكومة العراقية خالفت مرارا احكام الفقرتين ٤١ و ٤٢ من البروتوكول اذ انتهكت سيادة ايران عام ١٩٤١ و عام ١٩٥١ من قبل السفن البريطانية الحربية .

ان هذا الادعاء لا يتفق والواقع اذ ان السفن الحربية البريطانية بموجب احكام الفقرة (٤) من البروتوكول الملحق بالمعاهدة لعام ١٩٣٧ هي مستثناة من احكام معاهدة الحدود لعام ١٩٣٧ والتقييدات التي وردت فيها . هذا وان العراق كان ملتزما تجاه بريطانيا بموجب معاهدة التحالف المعقودة عام ١٩٣٠ بتقديم كافة التسهيلات والموانئ والمواصلات الى القوات البريطانية وبناء على هذه الالتزامات فقد نص في البند (٤) من البروتوكول على استثناء التزامات العراق تجاه بريطانيا من احكام معاهدة الحدود وما ورد فيها من تقييدات خاصة البند (٣) الذي يوجب الاخبار . اضافة الى الاستثناء الذي اشرنا اليه فان العراق كان محتلا عام ١٩٤١ من قبل القوات البريطانية اثر ثورته الوطنية في مايس عام ١٩٤١ واعلانه الحرب على بريطانيا واشتباكه معها في معارك ضارية طوال شهر كامل ، وان دخول البواخر الحربية البريطانية الى شط العرب واحتلال الاراضي الايرانية كان بعد احتلال العراق من قبل القوات البريطانية ، ونحن نسأل كيف يستطيع العراق المحتل بعد قتال دام شهرا كاملا ان يترك قواه ، ان يسمح بريطانيا وقواتها العسكرية من تسيير باواخرها الحربية في شط العرب بينما لم نستطع ايران نفسها وهي البلد المستقل من الصمود امام القوات البريطانية يوما واحدا . ولذا فان العراق لم يخالف احكام المعاهدة كما تدعى السلطات الايرانية .

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الخامسة من المعاهدة المذكورة خلال السنة الاولى والسنة التي تليها وذلك لان ايران في الواقع هي التي اخلت بالمعاهدة وكانت السبب في عدم عقد الاتفاقية الملاحة المذكورة لموقفها المتعنت وتفسيراتها غير القانونية لاحكام معاهدة الحدود الموقعة بين البلدين وهي اضافة الى انها لم توافق على تمديد مدة السنة المنصوص عليها في البند الثاني من البروتوكول الملحق بالمعاهدة فانها لم توافق في نفس الوقت على عقد الاتفاقية الملاحة وكانت السبب في عرقلة عقد الاتفاقية طيلة السنين الماضية .

اما بشأن الادعاءات الايرانية بخصوص المطالبة بتقديم الحسابات عن ايرادات مصلحة الموانيء الرقاقة اليها فغير وارد اصلا لان نص البند الثاني من البروتوكول الملحق بمعاهدة الحدود لعام ١٩٣٧ ينص على قيام الحكومة الرقاقة باطلاع الحكومة الايرانية على الاعمال المنجزة والموائد المجدية والنفقات المتكبدة وذلك خلال مدة السنة التي نص عليها لعقد اتفاقية الملاحة فقط في حالة موافقة ايران على عقد اتفاقية الملاحة خلال السنة المذكورة . ومع ذلك فان تقارير مصلحة الموانيء الرقاقة المتعلقة بالامور المالية والادارية المتوء عنها أعلاه تنشر بصورة رسمية وتبلغ الى كافة الدول والمصالح البحرية المختلفة ومنها ايران ، ويتضح من ذلك ان المراق لم يخل بما التزم به من التزامات بموجب معاهدة الحدود لعام ١٩٣٧ .

ان مثل هذه الصحيح ونمت ايران في مواقفها غير القانونية في قضية شط العرب يظهر للقارئ ما عاناه المراق خلال السنوات الثلاثين الماضية في اتصاله وعلاقاته مع الحكومة الايرانية وأخيرا لمسا عجزت السلطات الايرانية عن تحقيق ادعائها وعلمت علم اليقين انه لا يجوز لها قانونا ان تطالب بادرة شط العرب مشتركا مع المراق لا بالاستناد الى احكام معاهدة الحدود لعام ١٩٣٧ ولا الى نص المادة الخامسة منها التي دوما تستند اليها قامت باعلانها الانفرادي ببناء معاهدة الحدود بحجج واماليب واهية وغير قانونية لا يقرها القانون ولا المجموعة الدولية .

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ان مثل هذه الحجج وتعت ايران في مواقفها غير القانونية في قضية شط العرب يظهر للقارىء ما عاناه العراق خلال السنوات الثلاثين الماضية في اتصاله وعلاقاته مع الحكومة الايرانية وأخيرا لما عجزت السلطات الايرانية عن تحقيق ادعاءاتها وعلمت علم اليقين انه لا يجوز لها قانونا ان تطالب بادارة شط العرب مشتركا مع العراق لا بالاستناد الى احكام معاهدة الحدود لعام ١٩٣٧ ولا الى نص المادة الخامسة منها التي دوما تستند اليها قامت باعلانها الانفرادي بالقضاء بمعاهدة الحدود بحجج واساليب واهية وغير قانونية لا يقرها القانون ولا المجموعة الدولية .

ان موضوع ادارة شط العرب ادارة مشتركة من قبل العراق وايران  
أمر غير مقبول كليا وهو كما ذكرنا لا يستند الى أساس قانوني أو سند من  
معاهدة الحدود لعام ١٩٣٧ ، وانما هو أمر اعتباطي وكيفي تريد ايران  
فرضه على العراق بشكل أو آخر بحجة انه امر مشروع ومتفق عليه دوليا  
ومنصوص عليه في معاهدة الحدود لعام ١٩٣٧ . وكل هذه الحجج في  
الواقع لا تنسجم والقانون الدولي ولا مع احكام معاهدة الحدود لعام ١٩٣٧  
حيث ان العقد شريعة المتعاقدين ولا اجتهاد في مورد النص اذ ان معاهدة  
الحدود لم تشر صراحة أو ضمنا الى ادارة شط العرب بصورة مشتركة من  
قبل البلدين كما ان لكل نهر ظروفه الطبيعية والجغرافية والسياسية  
والاقتصادية .

وظروف واوضاع شط العرب من الناحية القانونية والاقتصادية  
والسياسية والجغرافية غير ظروف الانهر الاخرى كما لا يمكن تطبيق  
نظام ما على نهر يختلف كليا عن الانهر الاخرى . هذا وان الحكومة  
الايرانية في علاقاتها مع العراق تهمل دائما مشاكل الحدود وحقوق  
العراق وتغفل وتتناسى تجاوزاتها على الاراضي العراقية والمياه العراقية  
ولا تذكر الا اطماعها في شط العرب التي تحاول دوما وعبثا ان تجد لها  
أساسا من معاهدة الحدود لعام ١٩٣٧ . فمرة تدعى ان المادة الخامسة تنص  
على ادارة شط العرب ادارة مشتركة ومرة تزعم ان اغلب مياه شط العرب  
هي مياه ايرانية ولذا يحق لها ادارة شط العرب بالاشتراك مع العراق ولها  
نفس الوضع القانوني الذي للعراق . . ومرة تدعى ان اغلب السفن التي  
تدخل شط العرب تؤم الموانئ الايرانية ولذا فهي تزعم ان حقها في شط  
العرب اكبر من حق العراق وان هذا يخولها ممارسة هذه السيادة على  
الشط والى غير ذلك من الحجج الواهية وغير المنطقية وغير القانونية .  
هذا ولا يحق لأي حال من الأحوال لايران اعتبار معاهدة الحدود  
لعام ١٩٣٧ لاغية . بحجة عدم عقد اتفاقية الملاحة المنصوص عليها في المادة

الى الوفد الايراني مشاريع اتفاقيات لتنظيم العلاقات بينهما وحل المشاكل التي مضى عليها عشرات السنين دون حل ومن ضمنها مشروع اتفاق لتنظيم شؤون الملاحة في شط العرب وصيانتها . ولكن الجانب الايراني قطع المفاوضات بعد اجتماعين فقط وعاد الى طهران بحجة انه استلم تعليمات من حكومته دون ان ينظر فيما قدمه الجانب العراقي من اقتراحات ومشاريع اتفاقيات واعلن ان حكومته تعتبر معاهدة الحدود باطلة وغير ذات قيمة ، خلافا لقواعد القانون الدولي ومبدأ احترام المعاهدات واحكام ميثاق الامم المتحدة وكل الاعراف والقواعد الدولية . وقد قدم الوفد الايراني في الاجتماع الاول للمفاوضات التي جرت في بغداد في شباط ١٩٦٩ مشروعاً جديداً لمعاهدة الحدود ليحل محل معاهدة الحدود المفقودة بين البلدين عام ١٩٣٧ ، وبرتوكولا ملحقا به يتضمن ادارة الشط والملاحة مشتركا مع العراق .

ان امر تعديل الحدود في شط العرب ومن ثم عقد معاهدة جديدة تحل محل معاهدة عام ١٩٣٧ لم يكن في الاساس موضع بحث ولم يتفق عليه من قبل الجانبين لانه امر سبق وان سوي في معاهدة الحدود لعام ١٩٣٧ وليس هناك مبرر لاعادة النظر فيه خاصة وان المعاهدة المذكورة قد جاءت لوضع حد نهائي لقضية الحدود ومشاكلها التي كانت قائمة قبل عقدها عام (١٩٣٧) ، ونص كما ذكرنا سابقا في ديباجة المعاهدة على ذلك . هذا من جهة ومن جهة أخرى لم يشر الى الموضوع في البيانات المشتركة الصادرة عن البلدين عام ١٩٦٦ و١٩٦٧ و١٩٦٨ اثر زيارات المسؤولين الى كلا البلدين . لذا فلا مجال لبحثه مطلقا وان الموضوع الذي كان على الطرفين بحثه عند اجتماعهما في بغداد عام ١٩٦٩ هو عقد اتفاقية لتنظيم شؤون الملاحة في شط العرب وهذا ما تقدم به الوفد العراقي الى الوفد الايراني حيث قدم له مشروع اتفاقية لتنظيم شؤون الملاحة في شط العرب كما ذكرنا في أعلاه .

في الاتفاقية التي ستعقد لهذا الغرض ) .

ان زعم وادعاء ايران هذا لا أساس له من معاهدة الحدود لعام ١٩٣٧ والمراق لا في عهد احتلاله أو حمايته ولا في عهد استقلاله وتحرره . يقبل بهذه الفكرة الإيرانية المغالطة كليا لأنها انتهك سيادته وسلبا لجزء من اقليمه . كما ان من المبادئ المسلم بها في القانون الدولي ان ليس للدولة ان تمارس سيادتها على اقليم دولة أخرى ذات سيادة والاصل كما ذكرنا ان شط العرب اقليم عراقي وخاضع لسيادته . لذا لا يمكن بأي حال من الاحوال قبول ادارة مشتركة لادارة الملاحة فيه وهو افتراض مستبعد كل الاستبعاد نظرا لمخالفته الصريحة لمبادئ القانون الدولي وقواعده ، تلك القواعد التي تؤكد على وجوب احترام سيادة الدولة على اقليمها .

(٥) ان العراق لم يتجاهل احكام معاهدة الحدود بل احترمها ونفذ احكامها بحسن نية كما انه لا ينكر التزامه في عقد اتفاقية لتنظيم شؤون الملاحة في شط العرب كما نصت عليها المادة الخامسة من المعاهدة المذكورة ووفق الاسس التي وردت فيها ولكن ايران وموقفها المتخذ الا قانوني هو السبب في عدم امكان التوصل الى عقد الاتفاق موضوع البحث .

ان العراق كان ولمدة أكثر من ثلاثين عاما مستعدا لعقد اتفاقية لتنظيم شؤون الملاحة وتحسينها وفقا لاحكام المادة الخامسة من معاهدة الحدود لعام ١٩٣٧ الا ان الجانب الإيراني كان يتهرب من ذلك عن طريق اشتراطه تفسيراً معيناً لهذه المادة لا أساس له من احكام المعاهدة ، أي بمعنى آخر ان ايران كانت تحاول ان تستغل الاتفاقية الملاحة المنصوص عليها في المادة الخامسة المذكورة وتفسرها حسب اهوائها واغراضها للنفوذ منها الى الادعاء بالسيادة على شط العرب وادارة الملاحة فيه بالاشتراك مع العراق . وحاول العراق مرارا عديدة مع ايران لعقد هذه الاتفاقية وكان اخر هذه المحاولات في شباط ١٩٦٩ عندما حضر وفد إيراني رسمي الى العراق لاجل المفاوضات بشأن المشاكل القائمة بين البلدين وقد قدم الوفد العراقي

لا من بعيد ولا من قريب لا صراحة ولا ضمنا الى تشكيل ادارة مشتركة  
لشط العرب بل ذكرت مبادئ عامة للاتفاقية التي تعقد بين الطرفين لتنظيم  
شؤون الملاحة في شط العرب وهي الامور التالية : صيانة وتحسين طريق  
الملاحة ، وأعمال الحفر ، ودلالة السفن ، واستيفاء الاجور والموائد ،  
والتدابير الصحية ، والتدابير اللازمة لمنع التهريب ، وكافة الامور الاخرى  
المتعلقة بالملاحة ، ولم تشر الى ادارة مشتركة او الى لجنة مشتركة كليا . اما  
الادعاء بان هذه المادة تفسر بانها ادارة مشتركة فامر غير مقبول قانونا حيث  
ان من القواعد المتعارف عليها في تفسير المعاهدات انه لا يمكن اعطاء النص  
معنى أكثر مما يحتمله كما لا يجوز ان يجتهد في وجود نص صريح حيث  
لا اجتهاد في مورد النص . والظاهر ان ايران تستعمل هذه المادة كأساس  
ومستند لفرض الحصول على مكاسب اقليمية على حساب العراق . ففسر  
عبارة ( مصلحة مشتركة في الملاحة في شط العرب ) على انها ادارة مشتركة  
لشط العرب . وهذا غريب تفسير قانوني للنصوص القانونية .

ان العراق باعلانه شط العرب نهرا مفتوحا للملاحة الدولية قد اعتبر  
وجود مصلحة دولية في الملاحة في شط العرب ومما لا شك فيه ان وجود  
ايران على الضفة اليسرى من شط العرب يجعلها ذات مصلحة في الملاحة  
في الشط المذكور كغيرها من الدول الاخرى وهذا الامر لا ينكره العراق  
ولم ينكره اذ ان حق الانتفاع من الملاحة في الشط بالنسبة لايران مضان  
ومحترم لالتزام العراق بأحكام المادة الرابعة والمادة الخامسة من معاهدة  
الحدود لعام ١٩٣٧ .

هذا ولو ان نية الطرفين المتعاقدين العراق وايران كانت وقت عقد  
المعاهدة متجهة الى ادارة مشتركة للشط لنص عليها في المعاهدة صراحة  
ولكان نص المادة الخامسة يصبح بالشكل التالي :

( يتعهد الطرفان المتعاقدان على عقد اتفاقية لفرض ادارة الملاحة في  
شط العرب ادارة مشتركة وبواسطة لجنة يعين نظامها وواجباتها وصلاحياتها

لا أساس لها مطلقا لا من احكام معاهدة الحدود لعام ١٩٣٧ ولا من قواعد القانون الدولي .

(٤) من الغريب ان الكراس الايراني حول قضية شط العرب لم يدرج نص المادة الخامسة من معاهدة الحدود لعام ١٩٣٧ في حين ان المادة الرابعة منها ادرجت حرفيا . والفرض من ذلك عدم اطلاع القارىء على نص المادة الخامسة كي تدعى السلطات الايرانية بان معاهدة الحدود قد نصت على تأليف لجنة مشتركة لادارة الملاحة في شط العرب . وهذا فعلا ما حدث حيث ورد في الصفحة (٦) من الكراس المذكور من ان المادة الخامسة من معاهدة الحدود تشترط تشكيل ادارة مشتركة لشط العرب بواسطة عقد اتفاقية لذلك . ان هذا الادعاء يحرف المعاهدة ونصوصها كما انه زعم لا أساس له من المعاهدة مطلقا ولاجل ايضاح الموضوع وبيان الحقيقة للرأي العام نورد نص المادة الخامسة من المعاهدة الحدودية المقودة بين العراق وايران عام ١٩٣٧ لاجل بيان الواقع واظهار زيف الادعاءات الايرانية .

وفيما يلي نص المادة الخامسة من المعاهدة ، تلك المادة التي تستند اليها ايران في ادعاءاتها ومطالبها غير المشروعة :

#### - المادة الخامسة -

« لما كان للفريقين السامين مصلحة مشتركة في الملاحة في شط العرب كما هو متصرف في المادة الرابعة من هذه المعاهدة فانهما يتعهدان بمقتضى اتفاقية بشأن صيانة وتحسين طريق الملاحة وبشأن أعمال الحفر ودلالة السفن واستيفاء الاجور والعوائد والتدابير الصحية والتدابير اللازمة الاخرى في سبيل منع التهريب وكذلك بشأن كافة الامور المتعلقة بالملاحة في شط العرب كما هو معرف بالمادة الرابعة من هذه المعاهدة . »

ان المادة الخامسة المذكورة جاءت صريحة وواضحة فلم تشر مطلقا

مصب نهر نزيله ومن هذه النقطة تتبع الحدود مجرى شط العرب لحد  
البحر تاركة النهر وجميع الجزر الموجودة فيه تحت السيادة العراقية .  
الخ ( ٥٥٥ ) .

ومن هذا يتضح ان شط العرب جزء من إقليم العراق وخاضع  
لسيادته ولا يحق لایران الادعاء بالاشتراك في السيادة عليه أو الاشتراك  
في ادارة الملاحة فيه .

(٣) اشارت السلطات الايرانية في الكراس الذي أصدرته الى المادة  
الرابعة من معاهدة الحدود لعام ١٩٣٧ وذكرت نصها حرفيا ظنا منها ان  
ذلك يدعم ادعائها ومزاعمها في شط العرب .

ان المادة الرابعة المذكورة جاءت باسس ومبادئ عامة للملاحة في  
شط العرب فاعلنت في الفقرة (أ) منها ان شط العرب مفتوح للملاحة أمام  
السفن التجارية العائدة لجميع الدول بالمساواة وبدون استثناء .

ان اعلان العراق فتح شط العرب للملاحة الدولية ليس معناه تنازله  
عن سيادته على شط العرب بل ان ذلك لا يتعارض مع هذه السيادة العراقية  
المؤكدّة بالوثائق القانونية والدولية التي اشير اليها في المادة الاولى من المعاهدة  
المذكورة لعام ١٩٣٧ .

وان ما جاء في الفقرات الاخرى من المادة الرابعة موضوع البحث من  
المساواة في حق الانتفاع من الملاحة في شط العرب بين العراق وايران ليس  
معناه مساواتها مع العراق في الوضع القانوني اذ ان ملكية الشط والسيادة  
عليه شيء وحقوق الانتفاع من الملاحة في الشط شيء آخر . هذا وان حقوق  
الانتفاع لا تؤثر البتة على حق الملكية والسيادة العراقية على شط العرب ،  
وأخيرا فان المادة الرابعة المذكورة لم تشر صراحة أو ضمنا الى حق ايران  
في السيادة على شط العرب بالاشتراك مع العراق ولم تشر الى اشتراك  
ايران في ادارة الملاحة في الشط المذكور ، ولذا فان ادعاءات ومزاعم ايران

القانون الدولي المتعارف عليه بين الدول في استئمان مثل عدم المساءة  
وخلال مبدأ الحق المكتسب في عدم الانتزاع ذلك المبدأ المسلم به دوليا فيها  
وقضيتها . في سنة ١٩٣٢ كما قالها في ذلك في حسابها في سنة ١٩٣٢  
ووضع ونسج ذلك العرض الذي من أجله حققت معاهدة الحدود بين  
البلدين عام ١٩٣٢ بوضع ونسج خطط الحدود في شط العرب وبيع حق  
الوراق السريع في سيادته على شط العرب فان ايران تتجاهل كل ذلك  
وتتجاهله ، ولكنها تتصيح بصورة واضحة عن مطالبتها في شط العرب ورغبها  
في تحقيق مكاسب اقليمية على حساب الوراق مدعية بانها صاحبة حق في  
الميلاد في شط العرب وقادارة الملاحة فيه بالاختراة مع الوراق دون ان  
يكون لها حيد قانوني من احكام معاهدة الحدود لعام ١٩٣٢ أو من قواعد  
القانون الدولي .

(٧) لم تنشر المخططات الايرانية في الكراسي الذي وزعته عن قضية  
شط العرب الى الوراق البولية والمطامير التي رسمت الحدود في شط  
العرب كما لم تبين وصف هذه الحدود ، وذلك عن قصد منها لفرض  
طمس الحقيقة المدعاة بالادلة والاسانيد القانونية .

ان معاهدة الحدود لعام ١٩٣٢ نصت في المادة الاولى منها على ان  
الحدود بين البلدين هي نفس الحدود التي رسمت عام ١٩١٤ بموجب  
بروتوكول القسطنطينية المبرم بين الدولة الشامية وايران عوام ١٩١٣  
والتي قامت لجنة تحديد الحدود بتطبيقه على الارض عام ١٩١٤ والذي جاء  
وصفه في محاضر جلسات لجنة تحديد الحدود المذكورة وبناء على ذلك  
قد اعترفت الدولتان العراق وايران بشرعية الوقيتين المذكورين واعتبرتهما  
ملزمتين لهما . هذا وان وصف الحدود في شط العرب بين البلدين جاء  
واضحا وصرحا في عاين الوقيتين حيث ورد في المادة الاولى من بروتوكول  
القسطنطينية لعام ١٩١٣ لتحديد الحدود ما يلي :

( ان شط الحدود يتبع من نقطة التقاء قناة الخيبر بشط العرب عند

التي تتبع من إيران وتصب في العراق حيث قطعت إيران معظم مياه هذه الأنهر وأهملت نتيجة عملها غير القانوني هذا عشرات الآلاف من الهكتارات من الأراضي الزراعية والبساتين داخل العراق التي تعتمد في زراعتها على مياه هذه الأنهر مما اضطر سكان القرى والمدن والأراضي الزراعية المعتمدة على مياه هذه الأنهر التي قطعتها السلطات الإيرانية إلى الهجرة إلى مناطق أخرى وترك قراهم ومزارعهم خراباً . وبناء على رغبة الطرفين العراق وإيران لحل المشاكل الحدودية المشار إليها أعلاه . فقد نصم في المادة الثالثة من معاهدة الحدود الموقعة بين البلدين عام ١٩٣٧ ، على عقد اتفاق خاص لتأليف لجنة مشتركة لإعادة تثبيت خط الحدود على الأرض وفقاً للحدود المثبتة عام ١٩١٤ من قبل القومسيون الدولي ، وفلا تم عام ١٩٣٨ عقد الاتفاق الخاص المتوخى منه أعلاه وتألقت اللجنة المشتركة وبشرت أعمالها ولكن بعد أن وصلت إلى المناطق العراقية المتجاوز عليها من قبل إيران انسحب الجانب الإيراني عام ١٩٤٠ متذرعاً بحجج وأهية دون أن يرجع ثانية إلى استئناف العمل في اللجنة .

أما مياه الأنهر المشتركة فلم تحل بسبب تهرب السلطات الإيرانية من الاجتماع مع السلطات العراقية لحل هذه المشكلة ولم تقف السلطات الإيرانية عند حدها في قطع مياه الأنهر المشتركة ، بل استمرت في قطعها ووددت قطف مياه نهر كنجان جم ونهر ككبر ونهر الوند ونهر قره نو كما بدأت في الأيام الأخيرة ببناء السدود على الأنهر الأخرى لتحويل مياهها إلى الأراضي الإيرانية مثل نهر الطيب ونهر دويريج ، كل ذلك بحجة أن مياه الأنهر المذكورة تتبع من إيران وهي مياه إيرانية ، ولذا فلا يحق للعراق أن يستفيع منها رغم مرور هذه الأنهر في العراق ، ورغم احتجاجات الحكومة العراقية ومطالبتها بحقها المكتسب في مياه الأنهر المشتركة فإن السلطات الإيرانية قامت بقطع مياه هذه الأنهر المشتركة خلافاً لمبادئ وقواعد

## ما هي معاهدة الحدود لعام ١٩٣٧

### وما الغرض من عقدها

(١) على أثر شكوى العراق المقدمة الى عصبة الامم عام ١٩٣٤ ضد ايران وتجاوزاتها وعدم اعترافها بشرعية بروتوكول تحديد الحدود العثمانية الايرانية الموقعة في القسطنطينية في ٤ تشرين الاول عام ١٩١٣ ومحاضر جلسات لجنة تحديد الحدود لعام ١٩١٤ أوصى مجلس عصبة الامم حل المشكلة بالمفاوضة المباشرة بين البلدين . وفي تلك الظروف التي أشرنا اليها تم عقد المعاهدة المذكورة بعد نزاع ومشاكل طويلة وتنازع طويل من العلاقات غير الودية بين العراق من جهة وايران من جهة أخرى وكان الغرض من عقدها هو وضع حد نهائي لهذه المشاكل والمنازعات . ولذا فقد نص في ديباجة المعاهدة على ذلك بصورة صريحة حيث ورد فيها نصا ما يلي :-

( بناء على رغبتهما في توثيق عرى الصداقة الاخوية وحسن التفاهم بين الدولتين وبنية وضع حد بصورة نهائية لقضية الحدود بين دولتهما فقد قررا عقد هذه المعاهدة وعينا عنهما مندوبين مفوضين لهذا الغرض ) . انتهى .

وكان الغرض من عقدها حل كافة المشاكل القائمة بين البلدين وأهمها : (١) التجاوزات الايرانية على الااضي العراقية في الحدود البرية حيث ان السلطات الايرانية قامت ببناء المخافر الايرانية داخل الاراضي العراقية مدعية انها أراض ايرانية . (٢) لاتفاق على مياه الانهر المشتركة

الاستعمارية لما قبل بانتهازل عن جزء من اقليمه في شط العرب أمام عبادان ( مسافة أربعة أميال ) بمعاهدة الحدود لعام ١٩٣٧ ، اذ أن الاستعمار الذي كان يحايي ايران ويحاول الحصول على رضى شاه ايران رضا بهلوي الرجل القوي في المنطقة قد استعمل وسائله المعروفة في الضغط على العراق خاصة عام ١٩٣٧ حيث كان الصراع بين العراق وبريطانيا على اشدّه ، مما اضطر العراق في الاخير الى تقاعده عن جزء من اقليمه في شط العرب الى ايران نتيجة للضغط الاستعماري على العراق . وكانت ايران آنذاك دولة مستقلة . لذلك فليس من المنطق أن يمارس ضغط على ايران التي كانت ترتبط بروابط ودية مع بريطانيا ، بينما يترك العراق لحاله أو يسند في نزاعه مع ايران وهو الذي كانت علاقاته مع بريطانيا آنذاك في اسوء حال . وكدليل على ذلك لم يكن مطلب ايران الحقيقي وقتئذ يتعدى طلب ميلين أمام عبادان وهذا معروف ومؤكد من أقوال شاه ايران رضا بهلوي الى الوزير المفوض العراقي في طهران عام ١٩٣٦ عند مقابلته للشاه حيث قال له بالحرف الواحد ما يلي :

« ان العراقي يحاسبني على المليم والساتيم ، انني لا أريد أكثر من ميلين في شط العرب أمام عبادان » .

بينما نجد انها قد نالت في النهاية أكثر مما كانت تحلم به أو مما تصبو اليه وذلك في ظروف غير مواتية بالنسبة للعراق ونتيجة لضغوط استعمارية عليه لصالح ايران .

لذا يتضح ان ادعاءات السلطات الايرانية لا أساس لها من الواقع ولا سند لها من القانون ، وانما دأبت منذ عام ١٥٥٠ حتى هذا اليوم على نقض المعاهدات الموقعة بشأن الحدود الثمانية الايرانية ( الحدود العراقية ) أو إلغائها بحجة أو أخرى دون ان تراعى في ذلك قواعد القانون الدولي واحترام التزاماتها الدولية أو روابط حسن الجوار ولا يهملها الا مصالحها وتحقيقها المكسب الاقليمية على حساب جارها العراق .

٣ - تدعى السلطات الايرانية في كراسها الذي أصدرته عن مشكلة شط العرب ان معاهدة الحدود الموقعة عام ١٩٣٧ عقدت في ظروف كان العراق فيها مستقلا بالاسم فقط ، كما ان الوثائق التي نشرت مؤخرا من قبل وزارة الخارجية البريطانية تشير الى ان مسألة تسوية خلافات الحدود بين العراق وايران لم تقرر من جانب السلطات العراقية بل في الواقع من قبل الحكومة البريطانية .

ان هذا صحيح اذ لو كان العراق مستقلا استقلالاً كاملاً لما رضى ان يكون لايران حق في ملكية الضفة اليسرى من شط العرب ، لان امتلاك ايران للضفة اليسرى من شط العرب أمر شاذ ولا يتفق والمدالة ومصلحة العراق ، اذ ليس من مصلحة العراق ان تسيطر دولة أخرى على إحدى ضفتي الشط ، لان شط العرب بالنسبة للعراق هو الشريان الحيوي الوحيد الذي يصله بالعالم الخارجي عن طريق البحر ، كما ان قواعد المدالة والانصاف والوضع الجغرافي والبشري وأمن وسلامة العراق كلها تقضي ان يكون شط العرب بصفته للعراق ، خاصة وان كلا الضفتين أرضاً عراقية ويسكنها العراقيون العرب من عشيرة كعب العربية التي تزجت من نجد ومكنت في الاراضي الواقعة عند ساحلي شط العرب وعلى ضفاف نهر كلون تلك المناطق انني كانت تعود حتى سنة ١٨٤٧ الى الدولة العثمانية .

هذا ولو ان العراق كان مستقلا استقلالاً ناجزاً ومتحرراً من السيطرة

بين الطرفين عام ١٩١١ صراحة الى المعاهدة المذكورة ، كل ذلك يدل دلالة واضحة على مشروعية معاهدة ارضروم لعام ١٨٤٧ ، ومع ذلك فقد ألغته ايران من جانبها لانها لم تحقق أطماعها التوسعية ورغم ان الدولة العثمانية قد تنازلت لایران بموجب تلك المعاهدة عن مدينة المحمرة ومينائها والاراضي الواقعة بقربها ، وهي مدينة عربية يسكنها وأراضيها وكانت خاضعة للدولة العثمانية ( ولاية البصرة ) ، واستبدلت معاهدة ارضروم المنقودة عام ١٨٤٧ ببروتوكول تحديد الحدود العثمانية الايرانية المقنود في القسطنطينية في ٤ تشرين الاول عام ١٩١٣ والذي بموجبه وافقت الدولة العثمانية على مرور خط الحدود في منتصف شط العرب أمام ميناء المحمرة ولمسافة قدرها أربعة أميال اضافة الى ما تنازلت عنه في معاهدة ارضروم لعام ١٨٤٧ ، ومع هذا تدعي ايران ان بروتوكول القسطنطينية لعام ١٩١٣ ومحاضر جلسات لجنة تحديد الحدود العثمانية الايرانية لعام ١٩١٤ كان نتيجة ضغط روسيا القيصرية وبريطانيا ، ولذا لم يصدق البرلمان الايراني عليها . ونود ان نسأل هل ان الضغط يكون على الدولة الكاسية أم ان الضغط يكون على الدولة الخاسرة التي تنازلت عن جزء من اقليمها ، اضافة الى ذلك ، ان ادعاء ايران بان البرلمان الايراني لم يصدق على هذه اللوائح الدولية لا أساس له من الواقع ، اذ ان البرلمان الايراني كان مجمداً من قبل شاه ايران منذ عام ١٩١١ حتى عام ١٩١٤ ، ولذا لم يصدق عليها بوقته من قبل البرلمان الايراني وليس لعدم رضاها بعقدها ، كما ان هذه الحجة لا يؤخذ بها قانوناً خاصة وان ايران اشتركت في اللجنة المشتركة لتحديد الحدود على الارض واقامة الدعائم الحدودية ووقع ممثلها على جميع محاضر جلسات اللجنة المذكورة ، كما ان المادة الخامسة من بروتوكول القسطنطينية لعام ١٩١٣ تنص على ان الحدود متى ما ثبتت من قبل اللجنة على الارض تصبح هذه الحدود نهائية ولا يمكن ان تكون عرضة لاي تدقيق أو تعديل فيما بعد .

## نظرة تاريخية

١ - تدعى السلطات الايرانية في الكراس الذي أصدرته عن قضية شط العرب بان معاهدة ارضروم لعام ١٨٤٧ كانت مفروضة عليها من قبل ممثلي بريطانيا وروسيا القيصرية .

من الثابت تاريخيا ان ايران كانت من مناطق النفوذ الروسي القيصري . وكانت روسيا القيصرية تحمي ايران بصفتهما تلك .

كما ان العلاقات بين روسيا القيصرية والدولة العثمانية لم تكن على المستوى الذي تقوم به روسيا بحماية الدولة العثمانية . وان علاقتهما كانت في أغلب الاوقات غير ودية والحروب قائمة بينهما . اما بشأن بريطانيا وحمايتها للدولة العثمانية فلمر غير مقبول حيث كان لبريطانيا نفوذ في عربستان وفي الخليج العربي ولها علاقات قوية مع المراء وشيوخ المنطقة . كما ان المنطقة الجنوبية من ايران كانت تعتبر منطقة نفوذ بريطاني . كل ذلك يدفع بريطانيا لحماية مصالحها وامتيازاتها في ايران ، بدل أن تحمي للدولة العثمانية .

٢ - تدعى السلطات الايرانية بان ايران اصبحت عن عدم رضاها عن معاهدة ارضروم لعام ١٨٤٧ في عدة مناسبات .

ان عدم الرضا من جانب ايران لا يعني عدم مشروعية المعاهدة المذكورة . فقد سبق لايران بعد عقد المعاهدة المذكورة أن أشارت اليها في مذكراتها الموجهة الى الدولة العثمانية . واشتركت في لجنة تحديد الحدود العثمانية الايرانية عام ١٨٥٠ - ١٨٥٢ ، كما أشار بروتوكول طهران المعقود

البناء وصيقة ومرتبطة بالمدن الايرانية الرئيسية وأجزاء ايران بسكك  
 حديدية وطرق مواصلات ، ولهذه الموانئ أهمية كبيرة في تجارة ايران  
 الخارجية ، نظرا لحدادتها بنائها وعمق موانئها ، كما قامت ايران مؤخرًا بمد  
 خط أنابيب لنقل النفط من عبادان الى ميناء ( ماه شهر ) الواقع على الخليج  
 العربي ، كما بدأت ايران بإقامة السدود والخزانات على نهر كارون  
 لتحويل مياه هذا النهر واستخدامها بكميات كبيرة للزراعة مما سيؤثر تأثيرا  
 ملحوسا على مستوى منسوب شط العرب ، ويزيد في ملوحته . كل ذلك  
 مما يؤكسد ان أهمية شط العرب بالنسبة اليهسا قانونية ، ومن جملة  
 الموانئ التي تملكها على الخليج العربي هي بندر عباس وبندر ماه شهر وبندر  
 خارك وبندر بوشهر وبندر طاهري وبندر شاهرور وغيرها كثير ، اما المراق  
 فلا يملك غير شط العرب الذي هو المنفذ الوحيد والرئيسي له للاتصال  
 بالعالم الخارجي عن طريق البحر وهو الوسيلة الوحيدة لتجارته الخارجية  
 وتصدير نفطه ، اذ لا يملك ساحلا على الخليج العربي ، كإيران ولا يملك  
 موانئ مثلها ، لذا فان شط العرب بالنسبة للمراق ذا أهمية حيوية  
 ومعتبرية ، اما بشأن حق ايران في الانتفاع من الملاحة في شط العرب فانه  
 مسلم ومجتم حيث ان المراق منذ نشوئه حتى اليوم لم يتم بأي عرقلة  
 ولم يمنع أية قيود على السفن الايرانية التجارية والبحرية ، كما لم تحل  
 أية جهة بحرية أجنبية من سلطات الموانئ العراقية ، بل بالمعنى ان هذه  
 السلطات قائمة بإدارة الملاحة في الشط على أحسن وجه وتقوم بتقديم كل  
 التسهيلات اللازمة لذلك وفق الأنظمة والتعليمات الدولية المتبعة في الملاحة  
 كما انها حريصة على تحسين النظافة الملاحية وتطويرها وإدامتها بصورة  
 مستمرة ، وأخيرا فان القول بان منظم السفن التجارية التي تستعمل شط  
 العرب توجهه الايران لا يدعو الى المطالبة بالسيادة على الشط لانه ان حق  
 الانتفاع من الملاحة في شط العرب لا يعطي الحق لايران بالادعاء بتملكه  
 أو السيادة عليه .

بروتوكول القسطنطينية لعام ١٩١٣ ، وتمر الحدود فيها في منتصف الشط ثم  
تعود بعد ذلك لتسير مع الضفة اليسرى لشط العرب ، وسبعة كيلومترات  
أخرى أمام عبادان تنازلت عنها الحكومة العراقية لايران عام ١٩٣٧ بموجب  
معاهدة الحدود الموقودة بينهما ، تمر الحدود في هذه المنطقة في خط  
الثالوك ثم تعود لتسير ثانية في الضفة اليسرى من شط العرب حتى التقائه  
في عرض البحر .

ان ايران تدعي بأن أغلب مياه شط العرب متأتية من نهر كارون  
الذي ينبع من ايران وبالتالي فان هذه المياه ايرانية ولذا قلها حق السيادة  
على شط العرب حسب زعمها ، وهذا أمر لا يتفق والواقع ، لان مياه شط  
العرب كما هو معلوم تتألف من مياه نهريْن عظيمين هما دجلة والفرات .  
وبعد ذلك تصب فيه مياه نهر كارون . ثم لا نعلم ما هي أهمية كون  
هذه المياه ايرانية أم غير ايرانية ، اذ ان ذلك لا يغير من واقع الحال  
القانوني والتاريخي والجغرافي لشط العرب الذي هو نهر عراقي وخاضع  
لسيادة العراق . وهل ان ادعاء ايران هذا يخولها حق تملك شط العرب  
أو السيادة عليه ؟ ان هذا غريب في حد ذاته اذ ان هذه النظرية الجديدة  
ستقلب كل مفاهيم وقواعد القانون الدولي . وهل تقبل ايران ان تطبق  
هذه النظرية بحق الانهار التي تتبع من خارج ايران وتمر فيها ؟ ان ملكية  
النهر شيء ومصدر مياهه شيء آخر لا علاقة له البتة بموضوع الملكية أو  
السيادة .

والامر الآخر الغريب هو ادعاء ايران بأهمية شط العرب بالنسبة لها  
حيث تدعى في الكراس الذي اصدرته بعنوان ( حقائق عن قضية شط  
العرب ) ان لايران مئتاين رئيسين يقعان على شط العرب هما عبادان  
وخرمشهر ويلبيان دوراً مهماً في صادرات وواردات ايران . والواقع ان  
أهمية شط العرب بالنسبة لايران ثانوية نظراً لامتلاكها ملاحاً على الخليج  
العربي يبلغ طوله أكثر من ألفي كيلومتر ولها عليه موانئ عديدة حديثة

## شط العرب نهر عراق وجزء من إقليم العراق

ان شط العرب نهر وطني عراقي يتكون من التقاء نهري دجلة والفرات ويسير مسافة قدرها (١٠٢) كيلومترا في أرض عراقية صرفة في كلتا ضفتيه ثم بعد التقائه بقناة الخين يمر في أرض عراقية ، ولكن الضفة اليسرى منه تعود ملكيتها لایران اما مجرى شط العرب فهو أرض عراقية وجزء من إقليم العراق وخاضع لسيادة العراق . وهذا مؤكد في المادة الاولى من بروتوكول تحديد الحدود الموقع عليه في القسطنطينية في ٤ تشرين الاول عام ١٩١٣ ، وفي محاضر جلسات لجنة تحديد الحدود العثمانية الايرانية لعام ١٩١٤ اللتين استندت اليهما معاهدة الحدود العراقية الايرانية الموقعة عام ١٩٣٧ والتي اعتبرتها وثائق مشروعة وملزمة لكل من العراق وايران بموجب المادة الاولى من معاهدة الحدود لعام ١٩٣٧ ، وقد جاء وصف الحدود في شط العرب في الوثائق الدولية المشار اليها أعلاه كما يلي :-

« ومن نقطة اتصال قناة الخين بشط العرب عند مصب نهر نزيلة تتبع الحدود مجرى شط العرب لحد البحر تاركة النهر وجميع الجزر الموجودة فيه تحت السيادة العثمانية ، »

ان طول شط العرب من النقطة التي يلتقي بها دجلة والفرات حتى مصبه في الخليج العربي يبلغ حوالي (٢٠٤) كيلومترا وهو خاضع كله للسيادة العراقية عدا (١٤) كيلومترا فقط وهي سبعة كيلومترات أمام ميناء المحمرة ( خر مشهر ) تنازلت عنها الدولة العثمانية لایران بموجب

Q

منه

[illegible]

والله اعلم بالصواب

[illegible]

## المقدمة

قامت السلطات الايرانية خلافا لمبادئ ميثاق الامم المتحدة ولقواعد القانون الدولي ومبادئه بالاعلان بصورة انفرادية وكيفية ، الفاء معاهدة الحدود العراقية الايرانية المعقودة عام ١٩٣٧ والنافذة المفصول ، ورافق هذا الاعلان استقرايات وتحشدات عسكرية ضخمة ومن جميع الصنوف على الحدود العراقية الايرانية في شط العرب وفي مناطق اخرى من الحدود بقصد تهديد العراق ، كما استخدم جزء من هذه القوات في انتهاك سيادة العراق خاصة في شط العرب ، وبدلا من أن تقوم ايران والسلطة الحاكمة فيها بالرجوع الى طريق الحكمة والصواب والانصياع لقواعد القانون الدولي وشرعية الامم المتحدة ، استمرت في أعمالها غير القانونية وعبأت وسائل الاعلام المختلفة لمهاجمة العراق والادعاء بادعاءات ومزاعم لا أساس لها من الصحة ولا سند لها من القانون ولا من احكام معاهدة الحدود لعام ١٩٣٧ .

كما أصدرت وزارة الخارجية الإيرانية بيانات وكراسات عن مسألة شط العرب احتوت على تهجمات على الجمهورية العراقية وسياستها ، وعلى تحريف لنصوص واحكام معاهدة الحدود المقودة بين البلدين عام ١٩٣٧ ، واتهامات زائفة لا تتفق وواقع الحال وتعارض مع قواعد ومبادئ القانون الدولي .

ولاطلاع الرأي العام في الجمهورية المراقبة وخارجها على حقيقة الحال



# لِجُمْهُورِيَّةِ الْعِرَاقِيَّةِ

نُطْبِقُ عَلَى الْمَزَاعِمِ وَالْأَدْغَاءِ  
الْأِيرَانِيَّةِ حَوْلَ مُعَاهَدَةِ الْحُدُودِ  
الْعِرَاقِيَّةِ - الْأِيرَانِيَّةِ لِسَنَةِ ١٩٣٧  
وَالْوَضْعِ الْقَانُونِيِّ لِلْحُدُودِ بَيْنَ  
الْبَلَدَيْنِ فِي شَطْرِ الْعَرَبِ

وَزَارَةُ الْخَارِجِيَّةِ

بَغْدَاد - تَمُوزُ ١٩٦٩

FRONTIER TREATY  
BETWEEN THE KINGDOM OF IRAQ AND THE EMPIRE OF IRAN.

HIS MAJESTY THE KING OF IRAQ, of the one part

HIS IMPERIAL MAJESTY THE SHAHINSHAH OF IRAN, of the  
other part,

Sincerely desirous of consolidating the bonds of brotherly  
friendship and good understanding between the two States, and in  
order to settle definitely the frontier question between their  
two countries, have decided to conclude the present Treaty and  
for this purpose have appointed as their Plenipotentiaries:-

HIS MAJESTY THE KING OF IRAQ:

His Excellency DR. NAJI AL-ASIL,  
Minister for Foreign Affairs.

HIS IMPERIAL MAJESTY THE SHAHINSHAH OF IRAN:

His Excellency ENAYATOLLAH SAMIY,  
Minister for Foreign Affairs.

who, having exchanged their full powers, found in good and due  
form, have agreed on the following:

ARTICLE 1.

The High Contracting Parties agree that the following  
documents, with the exception of the modification specified  
in Article 2 of the present Treaty, are considered valid and  
that They are bound to observe them:

- (a) The Protocol relating to the Turko-Persian Delimitation  
signed at Constantinople on November 4th, 1913;
- (b) The Proceedings of the Commission of Delimitation of the  
Frontier of 1914.

Having regard to the provisions of this Article and with  
the exception of the provisions made in the next following  
Article, the boundary line between the two States is that defined  
and traced by the abovementioned Commission.

ARTICLE 2

The boundary line on reaching the furthest point of Shoteit  
island (approximately latitude 30° 17' 25" north, longitude  
./ 48° /.

48° 19' 28" East) rejoins, in a line drawn perpendicularly to the low-water mark, the thalweg of Shatt-al-Arab and follows it as far as a point situated opposite the existing jetty No.1 of Abadan (approximately latitude 30° 20' 8.4" North, longitude 48° 16' 13" East). From this point the boundary line rejoins the line of low-water and follows the tracing of the frontier as described in the Proceedings of 1914.

ARTICLE 3.

Immediately after the signature of the present treaty the High Contracting Parties shall appoint a commission for the purpose of erecting the frontier pillars the location of which has been fixed by the Commission mentioned in paragraph (b) of Article 1 of the present treaty and of fixing additional pillar, which it considers useful to erect.

The composition of the Commission and the programme of its work shall be fixed by a special arrangement between the two High Contracting Parties.

ARTICLE 4.

The following provisions shall apply to the Shatt-al-Arab from the point where the land frontier of the two States descends into the said river as far as the open sea:

- (a) The Shatt-al-Arab shall remain open to merchant ships of all countries equally. All dues levied shall be in the nature of payment for services rendered and intended solely to cover in an equitable manner the expenses of maintaining the navigability, and improving the navigable channel and the approach, of the Shatt-al-Arab from the seaward side, or to meet expenditure incurred in the interest of navigation. The said dues shall be calculated on the basis of the official tonnage of ships or their draught, or both together.
- (b) The Shatt-al-Arab shall remain open to the passage of warships and other vessels belonging to the two High Contracting Parties used for non-commercial purposes.

- (c) The fact that in the Shatt-al-Arab the boundary line sometimes follows the low-water mark and sometimes the thalweg or the medium filum aquae does not prejudice in any way the right of user of the two High Contracting Parties in the whole course of the river.

ARTICLE 5.

The two High Contracting Parties, having a common interest in the navigation of the Shatt-al-Arab as defined in Article 4 of the present Treaty, undertake to conclude a convention concerning the maintenance and improvement of the navigable channel, dredging, pilotage, dues to be levied, sanitary measures, measures to be taken for the prevention of smuggling, and all other matters relating to the navigation in the Shatt-al-Arab as defined in Article 4 of the present Treaty.

ARTICLE 6.

The present treaty shall be ratified and the instruments of ratification shall be exchanged at Baghdad as soon as possible. It shall come into force as from the day when this exchange takes place.

In witness whereof the Plenipotentiaries of the two High Contracting Parties have signed the present Treaty.

DONE at Teheran, in Arabic, Persian and French, of which in case of difference the French text shall prevail, the fourth day of July, one thousand nine hundred and thirty-seven.

(Signed) NAJI AL-ASIL.

(Signed) SAMIY.

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## PROTOCOL

At the time of proceeding to the signature of the Treaty concerning the delimitation of the boundaries between Iraq and Iran, the two High Contracting Parties have agreed as follows:

### I

The geographical coordinates shown approximately in Article 2 of the above-mentioned Treaty shall be definitely fixed by a Commission of experts composed of an equal number of members nominated by each of the High Contracting Parties.

The geographical coordinates so determined definitely within the limits fixed in the abovementioned Article shall be recorded in a procès-verbal which, after having been signed by the members of the abovementioned Commission, shall be an integral part of the Boundary Treaty.

### II

The High Contracting Parties undertake to conclude the convention mentioned in Article 5 of the Treaty in the course of one year from the entry into force of the Treaty

If, notwithstanding the efforts exerted by Them, this Convention is not concluded in the course of the year, this period may be extended by common agreement of the High Contracting Parties.

The Imperial Government of Iran agrees that during the period of one year mentioned in the first paragraph of this article and during the extension of this period, if this extension takes place, the Royal Government of Iraq shall undertake on the bases now in force all matters which are to be dealt with by this Convention. The Royal Government of Iraq shall, by means of biannual communications, keep the Imperial Government of Iran informed of the works carried out, the dues levied, the expenses incurred and of all other measures taken.

### III

The authorisation given by one of the High Contracting Parties to a warship or other public vessel used for non-

./ commercial ./.

commercial purposes belonging to a third State to enter ports belonging to the said High Contracting Party and situated on the Shatt-al-Arab shall be regarded as having been given by the other High Contracting Party in order that such vessel may make use of its waters when passing through the Shatt-al-Arab.

Nevertheless, that High Contracting Party who has given such an authorisation must inform the other Party thereof immediately.

IV

It is understood that subject to the rights of Iran in Shatt-al-Arab, nothing in this Treaty prejudices the rights of Iraq and its obligations undertaken towards the British Government regarding the Shatt-al Arab in accordance with Article 4 of the Treaty dated the 30th June, 1930, and paragraph 7 of its Annexure, signed on the same date.

The present Protocol shall be ratified at the same time as the Treaty concerning the delimitation of the frontiers of which it shall form, as an Annexure, an integral part. It shall come into force at the same time as this Treaty.

The present Protocol is made in Arabic Persian and French. In case of difference the French text shall prevail.

DONE at Teheran, in duplicate, on the fourth day of July, one thousand nine hundred and thirty-seven.

(Signed) NAJI AL ASIL.

(Signed) SAMIY.

-----oOo-----  
.

الجمهورية العراقية

وزارة الخارجية

المحدد - أسبوعية / ٦٦١٤ / ٦٦١٤ / ٤

الدائرة السياسية

التاريخ - ٤ / ١٩٦٩

تمسدي وزارة الخارجية تحياتها الى الزبيدة دبلوماسية

المعمدة لدى الجمهورية العراقية والحائنا بمذكرتنا المرمية آسيوية / ٦٦١٤ /

٦٦١٤ / ٤ والمؤرخة في ١٩٦٩ / ٤ / ٦١ ، تتشرف بأن ترفع طيا نص معاصدة

الحدود بين العراق واليران مع الهوتوكول العرفي هذا الموقّع عليها فسي

طهران في ٤ تموز ١٩٣٧ باللغتين العربية والانكليزية .

تتفضل الوزارة هذه الفرصة للإعراب عن فائق احترامنا وتقديرنا



سفارة ساحة الجلاء البريطانية

عداد

معاهدة الحدود بين العراق وإيران

مع الموثوق العرفي بـ

الموقع عليها في طهران

في ٤ تموز ١٩٣٧

صدقت بالقانون رقم ( ١٦ ) لسنة ١٩٣٨

معاهدة الحدود بين مملكة العراق

وامبراطورية ايران

صاحب الجلالة ملك العراق

من جهة

وصاحب الجلالة الامبراطورية شاهنشاه ايران  
من جهة اخرى

بناءً على رغبتهما في تحقيق عرى الصداقة الاخوية وحسن التفاهم بين الدولتين  
وتهيئة وضع حد بصورة نهائية لقضية الحدود بين دولتيهما قد قررا عقد هذه المعاهدة  
وهنا عنهما مندوبين مفوضين لهذا الغرض :-

صاحب الجلالة ملك العراق :-

صاحب المعالي الدكتور ناجسي الاصمعي وزير خارجية  
الدولة العراقية الملكية

وصاحب الجلالة الامبراطورية شاهنشاه ايران :-

صاحب المعالي عناية الله سمعي وزير خارجية الدولة الايرانية  
الامبراطورية

الذين بعد ان تبادلوا وثائق تفويدهما فوجداهما صحيحة اتفقا على ما يأتي :-

المادة الاولى - يوافق الفريقان الساميان المتعاقدان على اعتبار الوثائق التالية باستثناء  
التعديل ا لوارد في المادة الثانية من هذه المعاهدة وثائق مشروعة  
وعلى انهما ملزمان بمراعاتهما :

١ - الهوتكول المتعلق بتحديد الحدود التركية الايرانية والموقع عليه في  
الاستانة بتاريخ ٤ تشرين الثاني ١٩١٣ .

ب - محاضر جلسات لجنة تحديد الحدود لسنة ١٩١٤ .

ونظرا الى احكام هذه المادة وما عدا ما هو وارد في المادة التالية يكون خط الحدود  
بين الدولتين عين الخط الذي تم تعيينه وتخطيطه من قبل اللجنة المذكورة اعلاه .

المادة الثانية - ان خط الحدود عند ملتقاء المنتهى النقطة الكائنة في جزيرة شطيط

( في الدرجة ٣٠ والدقيقة ١٧ والثانية ٢٥ من العرض الشمالي

والدرجة ٤٨ والدقيقة ١٦ والثانية ٢٨ من الطول الشرقي على وجه التقريب

بحرر فيقتل على خط امتد عاموديا من خط انحناء البحر بتألوك شط

المستـرب وهـ تبعه حتى نقطة كائنة امام الاسكلة الحالية رقم ١

في صاداتان ( في الدرجة ٣٠ والدقيقة ٢٠ والثانية ٨ من العرض

الشمالي والدرجة ٤٨ والدقيقة ١٦ والثانية ٣ من الطول الشرقي

على وجه التقريب ) \* ومن هذه النقطة بحرر خط الحد فيسير مستـ

مستوى المياه المنخفضة وتنسبها تخطيط الحدود الموصوف في محاضر

جلسات السنة ١٩١٤ هـ

المادة الثالثة - يقيم الفريقان الساميان المتعاندان تورا بعد التوقيع على هذه المعاهدة

بتأليف لجنة لأجل نصب معالم الحدود التي كانت قد عينت اماكنها

اللجنة المذكورة في الفقرة ( ب ) من المادة الاولى من المعاهدة وتعيين

معالم جديدة مما ترى فائدة في نصبه .

وتعين تشكيلات اللجنة وفيها ج اعمالها بترتيب خاص يجري بين

الفريقين الساميين المتعاندين .

المادة الرابعة - تطبق الاحكام التالية على شط العرب ابتداء من النقطة التي تنزل

فيها الحدود البرية بين الدولتين الى النهر المذكور حتى عرض البحر -

١-

يحق شط العرب مفتوحا بالمساواة للسفن التجارية المعتمدة

لجميع بلدان وتكون جميع المراكب لمجابهة من قبيل اجور

للخدمات الموداة وتخصص فقط لتسديد - بصورة عامة -

كافة صيانة او تحسين طريق الملاحة ويدخل شط العرب

من جهة البحر وتدارك النفقات لصالح الملاحة . وتدار العوائد

المذكورة على اساس الحمولة الرسمية للسفن او مقدار انقلاصها

او على كليهما معا .

ب - يكون شط العرب مفتوحا لمرور السفن الحربية والسفن الاخرى المستخدمة في مصالح حكومية غير تجارية والمادة للفرقيين الساميين المتعاقد بين في هذه الحالة اى يتبع خط الحدود في شط العرب مرة المساء الفسفنية وثارة التالوث اوسط المياه مالا وترطى حق استقانة الطرفين المتعاقد بين بوجه ما في الشط كلهم .

المادة الخامسة - لما كان للفرقيين الساميين المتعاقد بين مصلحة مشتركة في الملاحة في شط العرب كما هو معترف في المادة الرابعة من هذه المعاهدة فانزما يتعهد ان يعقد اتفاقية بشأن صيانة وخمسين طريق الملاحة وبشأن اعدال الحفرود لالة السفن واستيلاء الاجور والموائد والتدبير الصحية والتدبير المادية الاخرى في سبيل منع التفرج وكذا لسلك بشأن كافة الامور المتعلقة بالملاحة في شط العرب كما هو معترف في المادة الرابعة من هذه المعاهدة .

المادة السادسة - تدرم هذه المعاهدة ويتم تبادل لوثائق الاوامر في بغداد بأسرع ما يمكن وتصبح نافذة من تاريخ تبادل لوثائق المذكورة .

واترارا بماتقدم قد وقع المندوبان المفاوضان المذكوران اعلاه على هذه المعاهدة .

كتب في طهران باللغات العربية والفارسية والانفرنسية .  
وقد وجود اختلاف يكون النص الاتي هو النص المبول عليه .

نسي ٤ تموز ١٩٣٧ التوقيع : ناجي الاصمبيل

سهي

## مؤكّد

ان الفريقين السامعين المتعاقدين حين قيامهما بالتوقيع على معاهدة الصلح و  
بين العراق وان اراد متفان على مايلي :-

١- لاجل تنهيت المعاييس الجغرافية المذكورة على وجه التدرج في المادة الثانية من  
المعاهدة الالفة الذكر بصورة نهائية توافقت لجنة خاصة من خبراء يسمون كل مسن  
الفريقين السامعين المتعاقدين عدد امتساها منهم وتقوم اللجنة المشار اليها بتنهيته  
المعايير المذكورة ضمن الحدود المحددة في تلك المادة وتدون نتائج التهيته  
بمختصر يكون بعد ان يوقع عليه المختصا<sup>١٠</sup> اللجنة المشار اليها جزءا لا يتجزأ من  
المعاهدة .

٢- يسمند الفريقان السامعان المتعاقدان بعدد الاتفاقية المنصوص عليها في المادة  
الخاصة من المعاهدة في بصر سنة واحدة من تاريخ تنفيذ المعاهدة .

قال السويكن في الاكان عند هذه الاتفاقية في خلال السنة وذلك بالرغم من الجهود  
المبذولة من قبلهما بجزر عند ذلك المدة المذكورة باتفاق مشترك بين الفريقين

### السامعين المتعاقدين .

توافق الحكومة الايرانية الامراتورية على انه في خلال مدة السنة المنصوص عليها في  
الفقرة الاولى من هذه المادة وفي خلال تدبير هذه المدة - في حالة ما اذا جرى  
التدبير المذكور - تأخذ حكومة العراق على عاتقها وفق الاسس الحالية المعمول  
أمر القيام بكافة الأمور التي ستعالجها الاتفاقية المذكورة . وتقوم الحكومة الملكية  
العراقية باطلاع الحكومة الايرانية رابطة الامبراطورية مرة كل ستة شهرا على الاعمال المنجزة  
والمرائد ا لمجاة والنفقات المتكبدة وعلى جميع المستند امير الاخرى لتتخذ .

٣- ان الاجازة التي يمنحها احد الفريقين السامعين المتعاقدين لاحدى المسمين  
الحربية او لاحدى السفين الاخرى الحكومية غير المستخدمة في مقاصد تجارية  
المائدة لدولة ثالثة لاجل الدخول في احدى المراتي<sup>٥</sup> المعاهدة التي ذلك الفريق  
السامعي المتعاقد والرائعة في شط العرب تعتبر اجازة مفتحة قبل الفريق  
السامعي المتعاقد الاخر وذلك لكي تتمكن السفينة المذكورة من استعمال المياه  
المائدة له في شط العرب عند مرورها منه .  
مع ذلك عندما يفتح احد الفريقين السامعين المتعاقدين اجازة من هذا القبيل  
عليه ان يخبر بذلك الفريق السامعي الاخر فوراً .

- ٤- مع الاحتفاظ بما لايران من حقوق في شط العرب فمن الغييم انه ليس في المعاهدة المبحوث عنها ما يدخل بحقوق العراق وواجباته وفق التعهدات التي قطعها للحكومة البريطانية فيما يخص شط العرب عملاً بالمادة الرابعة من المعاهدة المؤرخة في ٣٠ حزيران سنة ١٩٣٠ وفي الفقرة السابعة من ملحقها الموقع عليه بنفس التاريخ .
- ٥- يبرم هذا البروتوكول في نفس الوقت الذي تهرم فيه معاهدة المجلس عغدود ويكون ملحقاً بها وجزءاً لا يتجزأ منها ويدخل في حيز التنفيذ مع المعاهدة في وقت واحد .
- كتب هذا البروتوكول باللغات العربية والفارسية والفرنسية وعند وجود اختلاف يكون النص الفرنسي هو النص المعمول عليه .
- كتب في طهران بنسختين في اليوم الرابع من شهر تموز سنة الف وتسعمائة وسبع وثلاثين ميلاد يسيرة .

ناجي الاصيل

سيمي

NEQ 7/320/1 B

SHATT AL-ARAB

PAPERS SENT FROM THE  
EMBASSY IN BAGHDAD

See front of above file for list of papers

## TELEGRAM SECTION

Room 124 K.C.S

Communications Department

Near Postman Dept.

Copy/ies of the following telegram has/have been sent

290 to TARRANT

TO:

✓ Cochlin

Boo T  
Vet. ST.

(Signed) .....

(Department) .....

(Date) .....

Action taken in Communications Department:

(Initials) ... WJ (Date) ... 8/8/69 .....

AFTER ACTION THIS FORM SHOULD BE SENT TO  
THE APPROPRIATE REGISTRY FOR RETENTION

TOP COPY

84

CONFIDENTIAL

CYPHER/CAT A

ROUTINE FOREIGN AND COMMONWEALTH OFFICE

TO TEHRAN

TELEGRAM NO. 290

1 MAY 1969

CONFIDENTIAL

(NE)

NEQ 3/324/1

ADDRESSED TO TEHRAN TELEGRAM NO. 290 OF 1 MAY REPEATED FOR  
INFORMATION TO BAGHDAD BONN STOCKHOLM OSLO PARIS COPENHAGEN  
THE HAGUE UKDEL NATO TOKYO BELGRADE AND WASHINGTON.

MY TELEGRAM NO. 270<sup>SS</sup> SHIPPING IN THE SHATT AL ARAB.

IT SEEMS TO US THAT BOTH SIDES ARE ANXIOUS TO AVOID INCIDENTS  
INVOLVING OTHER SHIPPING AND THAT THE FLAG-FLYING ISSUE MAY NOT  
BE PRESSED (YOUR TELEGRAM NO. 369<sup>13</sup> REINFORCES US IN THIS OPINION).  
IN VIEW OF THIS WE CONSIDER WE SHOULD NOT AT THIS STAGE INITIATE  
A ROUND OF CONSULTATIONS WITH THE OTHER MAIN MARITIME POWERS.  
FURTHERMORE, BRITISH SHIPPING COMPANIES DO NOT SEEM UNDULY CONCERNED  
ABOUT THE SITUATION. NONE HAS SO FAR SOUGHT ADVICE FROM US OR  
THE BOARD OF TRADE.

2. IF HOWEVER THE SITUATION DETERIORATES WE WOULD OF COURSE  
RECONSIDER THIS, IN ANY CASE IF OUR ADVICE IS ASKED BY SHIPPING  
COMPANIES WE WOULD PROPOSE TO SAY:

(A) SHIPOWNERS SHOULD CONTINUE THEIR ESTABLISHED PRACTICE  
WITH REGARD TO WEARING FLAGS:

(B) IF, AS WE HOPE, A COMPROMISE SOLUTION OF THE FLAG  
PROBLEM IS WORKED OUT BETWEEN THE IRAQI AND IRANIAN GOVERNMENTS,  
THEN WE THINK THAT SHIPOWNERS SHOULD COMPLY WITH IT.

STEWART

DEPARTMENTAL DISTRIBUTION

NEAR EASTERN DEPT.

A.M. & T.D.

ARABIAN DEPT.

CONFIDENTIAL

XXXXXX

Registry No. **N E**  
DEPARTMENT

\* Date and time (G.M.T.) telegram should reach addressee(s) \_\_\_\_\_

SECURITY CLASSIFICATION

PRIORITY MARKINGS

~~Top Secret~~  
~~Secret~~  
~~Confidential~~  
~~Restricted~~  
Unclassified

~~Flash~~  
~~Immediate~~  
~~Priority~~  
Routine

(Date) \_\_\_\_\_

Despatched \_\_\_\_\_

**CYPHER**  
CONFIDENTIAL

PRIVACY MARKING

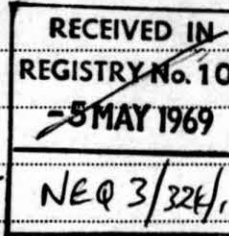
In Confidence

[Security classification  
—if any] \_\_\_\_\_

~~En Clair.~~  
~~Code~~  
Cypher

[Privacy marking  
—if any] \_\_\_\_\_

[Codeword—if any] \_\_\_\_\_



Draft Telegram to:—

TEHRAN

No. 290

(Date) 1/5

And to:—

Addressed to TEHRAN

telegram No. 290 (date) 1/5

And to \_\_\_\_\_

repeated for information to BAGHDAD, BONN, STOCKHOLM, OSLO, PARIS, COPENHAGEN, THE HAGUE, UKDEL NATO, (BRUSSELS) TOKYO, BELGRADE AND WASHINGTON.

Saving to \_\_\_\_\_

Repeat to:—

BAGHDAD, BONN, STOCKHOLM, OSLO, PARIS, COPENHAGEN, THE HAGUE, UKDEL NATO (BRUSSELS), TOKYO, BELGRADE, WASHINGTON.

Saving to:—

DEPARTMENTAL

Distribution:—  
NED, AMTD.

Copies to:—

M.J. COCHLIN,  
BOARD OF TRADE.

My telegram No. 270: Shipping in the Shatt al Arab.

It seems to us that both sides are anxious to avoid incidents involving other shipping and that the flag-flying issue may not be pressed (your tel. No. 369 reinforces us in this opinion). In view of this we consider we should not at this stage initiate a round of consultations with the other main maritime powers. Furthermore, British shipping companies do not seem unduly concerned about the situation. None has so far sought advice from us or the Board of Trade.

2. If however the situation deteriorates we would of course reconsider this. In any case if our advice is asked by shipping companies we would propose to say:

- (a) shipowners should continue their established practice with regard to wearing flags;
- (b) if, as we hope, a compromise solution of the

NOTHING TO BE WRITTEN IN THIS MARGIN

16002  
1/5/69

1-5.

O  
G

CONFIDENTIAL

CYPHER/CAT A AND BY BAG

ROUTINE FOREIGN AND COMMONWEALTH OFFICE

TELEGRAM NO. 291

CONFIDENTIAL

TO TEHRAN

1 MAY 1969 (NE)

NEQ 3/324/1

ADDRESSED TO TEHRAN TELEGRAM NO. 291 OF 1 MAY REPEATED FOR  
INFORMATION TO BAGHDAD AND SAVING TO KUWAIT BAHRAIN ANKARA  
WASHINGTON AND JEDDA.

SHATT AL ARAB.

THE IRANIAN AMBASSADOR AT HIS OWN REQUEST CALLED ON THE  
MINISTER OF STATE ON 30 APRIL. HE COMPLAINED STRONGLY ABOUT  
THE LETTER FROM THE IRAQI AMBASSADOR IN THE TIMES OF 28 APRIL..  
HE SAID THAT THE IRAQI EMBASSY HAD ALSO CIRCULATED A COMMUNIQUE  
SETTING OUT THEIR VIEWS ON THE SHATT AL ARAB DISPUTE.  
HE FELT THAT HE HAD NO ALTERNATIVE BUT TO REPLY AND IN SO DOING  
MUST REFER TO THE EVIDENCE WHICH HE HAD THAT THE FOREIGN OFFICE,  
THE ADMIRALTY AND THE ANGLO-IRANIAN OIL COMPANY HAD ALL COMBINED  
TO PRESS THE 1937 TREATY ON THE IRANIANS. BECAUSE OF THIS  
IT WAS IMPORTANT THAT H.M.G. SHOULD CONCERN THEMSELVES WITH  
THE MATTER.

2. ON THE SUBSTANCE ARAM SAID THAT THERE WAS NO GOING BACK  
ON THE ABROGATION OF THE 1937 TREATY. IT WAS FINISHED, BUT THE  
IRANIANS WERE PREPARED TO NEGOTIATE WITH THE IRAQIS.

3. IN REPLY MR. ROBERTS SPOKE ON THE LINES OF PARAGRAPH 3  
OF MY TELEGRAM NO. 279. HE EMPHASISED THAT WE HOPED THE IRANIAN  
GOVERNMENT WOULD SEE THE PROBLEM IN THE WIDER CONTEXT AND WOULD  
CAREFULLY WEIGH THE PROVOCATIONS OF THE PRESENT AGAINST THE  
POSSIBILITIES OF THE FUTURE. MR. ROBERTS STRONGLY REFUTED THE  
CHARGE THAT THE BRITISH WERE IN SOME WAY RESPONSIBLE FOR THE  
1937 TREATY OR HAD BROUGHT UNDUE PRESSURE TO BEAR DURING ITS  
NEGOTIATION. HE REMINDED ARAM AGAIN THAT H.M.G. HAD NO CONTROL  
OVER THE PRESS. THE IRANIANS WERE OF COURSE ENTIRELY FREE TO  
JUDGE WHAT REACTION WOULD BE BEST. HE HOPED HOWEVER THAT THEY  
WOULD CONSIDER CAREFULLY BEFORE MAKING CHARGES WHICH WOULD  
INVOLVE A FRIENDLY COUNTRY.

/4.

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-2-

4. FULL RECORD BY BAG.
5. WE ARE URGENTLY INVESTIGATING WHAT EVIDENCE ARAM MAY HAVE BEEN ABLE TO TURN UP IN THE PUBLIC RECORDS OFFICE.

STEWART

DEPARTMENTAL DISTRIBUTION

NEAR EASTERN DEPT  
DEFENCE POLICY DEPT  
P.U.S.D.  
M.O.D. (INTERNAL)

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DEPARTMENT

\* Date and time (G.M.T.) telegram should reach addressee(s).....

SECURITY CLASSIFICATION	PRIORITY MARKINGS
<del>Top Secret</del> <del>Secret</del> <u>Confidential</u> Restricted <del>Unclassified</del>	<del>Flash</del> <del>Immediate</del> } * Priority <u>Routine</u>

(Date)

Despatched

CYPHER

PRIVACY MARKING
<del>In Confidence</del>
<del>En Clair.</del>
<del>Code</del>
<u>Cypher</u>

**[Security classification**  
**—if any**]

CONFIDENTIAL

**[ Privacy marking  
—if any ]**

[Codeword—if any]

Addressed to ..... TEHRAN

telegram No. 891 (date

***And to***

repeated for information to ..... BAGHDAD

*Saving to* KUWAIT, BAHRAIN, ANKARA, WASHINGTON, JEDDAH

Shatt al Arab

**Draft Telegram to:—**

TEHRAN

No. 291

(Date) 1/3

*And to:—*

**Repeat to:—**

BAGHDAD.

## EXERCISES

# WALKS AND MORE

**XNDORAX**

*Saving to*

KIMMITT

~~ROMANIA~~  
~~BAHRAIN~~

ANKARA

**WASTING**

~~SECRET~~

DEPARTMENTAL

**Distribution:—**

NED, DEFENCE  
POLICY, PUSD,  
MOD (INTERNAT)

**Copies to:—**

The Iranian Ambassador at his own request called on the Minister of State on 30 April. He complained strongly about the letter from the Iraqi Ambassador in the Times of **28 April**. He said that the Iraqi Embassy had also ~~been~~ <sup>ed</sup> circulating a communiqué setting out their views on the Shatt al Arab dispute. He felt that he had no alternative but to reply and in so doing must refer to the evidence which he had that the Foreign Office, the Admiralty and the Anglo-Iranian Oil Company had all combined to press the 1937 Treaty on the Iranians. Because of this it was important that H.M.G. should concern themselves with the matter.

2. On the substance Aram said that there was no going back on the abrogation of the 1937 Treaty. It

/was

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was finished; but the Iranians were prepared to negotiate with the Iraqis.

3. In reply Mr. Roberts spoke on the lines of para. 3 of

my telegram No. 270. He emphasised that we hoped the Iranian Government would see the problem in the wider context and would carefully weigh the provocations of the present against the possibilities of the future. Mr. Roberts strongly refuted the charge that the British were in some way responsible for the 1937 Treaty or had brought undue pressure to bear during its negotiation. He reminded Aram again that H.M.G. had no control over the press. The Iranians were of course entirely free to judge what reaction would be best. He hoped however that they would consider carefully before making charges which would involve a friendly country.

4. *Full record by bag.*

5. We are urgently investigating what evidence Aram may have been able to turn up in the Public Records Office.

[attached]

NOTHING TO BE WRITTEN IN THIS MARGIN

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86

TOP COPY

EN CLAIR

UKLIS NEW YORK

TELNO.852

TO FOREIGN AND COMMONWEALTH OFFICE

2 MAY, 1969

RECEIVED IN REGISTRY NO. 10 5 MAY 1969 NEQ 3/324/1
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ADDRESSED TO F.C.O. TELEGRAM NO. 852 OF 2 MAY REPEATED FOR INFORMATION TO BAGHDAD, TEL AVIV, KUWAIT, JEDDA, CAIRO, TEHRAN, WASHINGTON, BAHRAIN RESIDENCY AND MOSCOW.

MY TELEGRAM NO. 827: SHATT AL-ARAB.

IN A LONG LETTER TO THE PRESIDENT OF THE SECURITY COUNCIL (DOCUMENT S/9190 OF 1 MAY, COPIES BY AIR BAG), THE PERMANENT REPRESENTATIVE OF IRAN DISMISSES THE IRAQI ALLEGATIONS SUMMARISED IN MY TELEGRAM UNDER REFERENCE.

2. PASSAGES OF INTEREST IN VAKIL'S LETTER ARE AS FOLLOWS:

"THE GOVERNMENT OF IRAN NOW HAS NO CHOICE BUT TO EXPOSE THE CHARACTERISTIC BAD FAITH OF THE GOVERNMENT OF IRAQ IN EVADING AND REFUSING FOR MORE THAN THIRTY YEARS TO PERFORM ITS OBLIGATIONS UNDER THE TREATY WITH IRAN OF 4 JULY 1937."

"THE PROTOCOL ATTACHED TO THE TREATY REQUIRED THE PARTIES 'TO CONCLUDE THE CONVENTION FORESEEN IN ARTICLE 5 OF THE TREATY WITHIN A YEAR AFTER THE TREATY COMES INTO FORCE'. IN THE NEARLY THIRTY-TWO YEARS SINCE THE DATE OF THE TREATY, IRAN'S CONTINUOUS AND UNTIRING EFFORTS, BOTH THROUGH ORDINARY DIPLOMATIC MEANS AND BY SENDING SPECIAL MISSIONS TO BAGHDAD, TO CONCLUDE THE REQUIRED CONVENTION AND TO BRING THE MATTER TO A MUTUALLY SATISFACTORY CONCLUSION, HAVE PROVED INEFFECTIVE."

"THE GOVERNMENT OF IRAQ UNDERTOOK IN THE TREATY TO 'KEEP, THROUGH ANNUAL COMMUNICATIONS, THE IMPERIAL IRANIAN GOVERNMENT INFORMED OF THE WORK EXECUTED, THE DUES COLLECTED, THE EXPENSES MADE AND OF ALL OTHER MEASURES UNDERTAKEN'. NO SUCH COMMUNICATION WAS EVER MADE."

"WHEN THE TREATY BETWEEN IRAN AND IRAQ WAS CONCLUDED IN 1937, THE POSITION OF THE TWO PARTIES WAS UNEQUAL. IRAQ WAS  
/THE PROTEGE

THE PROTEGE OF THE IMPERIALIST POWER DOMINANT IN THE REGION WHICH ENABLED BAGHDAD TO PRESS IRAN INTO ACCEPTING THE INIQUITOUS BOUNDARY PROVISIONS OF ARTICLES I AND II. THE ONLY RETURN TO BE RECEIVED BY IRAN FOR THIS, A RETURN WHICH WAS LITTLE ENOUGH, WAS ACKNOWLEDGEMENT OF ITS VITAL INTEREST IN THE NAVIGATION OF THE SHATT AL-ARAB. THE ACKNOWLEDGEMENT OF IRAN'S RIGHTS WITHOUT FULFILLMENT OF THE OBLIGATIONS TO ESTABLISH ARRANGEMENTS FOR THEIR IMPLEMENTATION WAS RENDERED ILLUSORY BY THIS FAILURE. THE RESULTING POSITION IS NO LONGER ENDURABLE."

"THE GOVERNMENT OF IRAN REMAINS READY, AS IN THE PAST, TO SETTLE THE MATTER BY FRIENDLY NEGOTIATIONS. THESE NEGOTIATIONS MUST BE BASED ON GENERAL PRACTICE OF INTERNATIONAL LAW WITH REGARD TO FRONTIER RIVERS."

F.C.O. PASS BAGHDAD, TEL AVIV, KUWAIT, JEDDA, CAIRO, TEHRAN, BAHRAIN RESIDENCY AND MOSCOW.

LORD CARADON

[REPEATED AS REQUESTED]

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N. EAST. D.

GGGGG

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87

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CIPHER/CAT A AND BY BAG

ROUTINE FOREIGN AND COMMONWEALTH OFFICE  
TELEGRAM NO 295

TO TEHRAN

3 MAY 1969 (N.EAST.DEPT)

NEQ 3/324/1

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ADDRESSED TO TEHRAN TELEGRAM NO 295 OF 3 MAY REPEATED FOR INFORMATION  
TO BAGHDAD KUWAIT AND BAHRAIN AND SAVING TO WASHINGTON.

YOUR TELEGRAM NO 373 : SHATT AL ARAB.

WE MUST NO DOUBT EXPECT THAT THE IRANIANS WILL TRY TO GAIN SUPPORT  
FOR THEIR CASE BY EVOKING ARGUMENTS THAT THE 1937 TREATY WAS  
SIGNED DURING THE QUOTE COLONIAL UNQUOTE ERA (SEE ALSO UKMIS NEW  
YORK TELEGRAM NO 852).<sup>86</sup> THEY WILL ALSO IMPLY THAT ANY PERFECTLY  
LEGITIMATE ASSESSMENT OF WHERE BRITISH INTERESTS LAY AT THE TIME  
LED TO THE APPLICATION OF ILLEGITIMATE PRESSURES ON IRAN.

2. WE AGREE WITH THE LINE IN YOUR PARAGRAPH 3.

3. WE THINK IT BEST HOWEVER NOT TO MAKE ANY OFFICIAL COMMENT UNTIL  
WE HAVE ESTABLISHED EXACTLY WHAT MATERIAL THE IRANIANS HAVE  
AVAILABLE FROM OUR SOURCES. THIS IS URGENTLY BEING DONE (PARAGRAPH  
5 OF MY TELEGRAM NO 291).<sup>85</sup> OUR PRELIMINARY CONCLUSION IS THAT, WHILE  
THERE IS EVIDENCE TO SHOW THAT WE THOUGHT BRITISH INTEREST WOULD  
BEST BE SERVED IF THE SHATT AL ARAB REMAINED, AS FAR AS POSSIBLE,  
UNDER IRAQI SOVEREIGNTY, THERE IS NO EVIDENCE TO INDICATE THAT WE  
BROUGHT ANY PRESSURE TO BEAR ON THE IRANIANS TO SIGN THE 1937  
TREATY. WHATEVER OUR RELATIONSHIP WITH IRAQ AT THE TIME, THE  
IRANIANS WERE FREE TO NEGOTIATE AND NEED NOT HAVE SIGNED UNLESS  
• THEY SAW SOME ADVANTAGE IN SO DOING.

/4. THERE

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-2-

4. THERE HAS BEEN NO PRESS INTEREST HERE YET. IT SEEMS LIKELY THAT ARAM WILL EVENTUALLY REPLY TO THE IRAQI AMBASSADOR'S LETTER TO THE TIMES. WE THINK THAT THIS WOULD PROVIDE THE BEST OCCASION FOR NEWS DEPARTMENT TO VOLUNTEER SOME COMMENT, AND BY THAT TIME WE SHOULD HAVE BEEN ABLE TO INVESTIGATE ALL THE MATERIAL AVAILABLE IN THE PUBLIC RECORDS OFFICE.

MR STEWART

FCO/WH DISTRIBUTION  
N.EAST. DEPT.

CONFIDENTIAL

Registry No.  
DEPARTMENT

• Date and time (G.M.T.) telegram should  
reach addressee(s)

SECURITY CLASSIFICATION

Top Secret  
Secret  
Confidential  
Restricted  
Unclassified

PRIORITY MARKINGS (Date)

Flash  
Immediate  
Priority  
Routine

Despatched

PRIVACY MARKING

In Confidence

En Clair.  
Code  
Cypher

[Security classification  
—if any]

[Privacy marking  
—if any]

[Codeword—if any]

Addressed to TEHRAN

telegram No. 295 (date) 3/5

And to

repeated for information to BAGHDAD, KUWAIT, BAHRAIN  
RESIDENCY

Saving to Washington

Draft Telegram to:—

TEHRAN

No. 295

(Date) 3/5

And to:—

Repeat to:—

BAGHDAD  
KUWAIT  
BAHRAIN  
RESIDENCY

Saving to:—

WASHINGTON

[Loyalty with  
ref. Tehran No. 373]

Distribution:—

FCO/WH dist.  
Near Eastern  
Dept.

Copies to:—

NOTHING TO BE WRITTEN IN THIS MARGIN

Your telegram No. 373: Shatt al Arab.  
We must no doubt <sup>expect</sup> ~~accept~~ that the Iranians  
will try to gain support for their case by evoking  
arguments that the 1937 Treaty was signed during  
(see also VICTIS from 7012 tel no. 852)  
the "colonial" era. They will also imply that  
any perfectly legitimate assessment of where  
British interests lay at the time <sup>led to</sup> ~~implies~~ the  
application/illegitimate pressures on Iran.  
2. We agree with the line ~~described~~ in your  
paragraph 3. ~~of your telegram.~~  
3. We think it best <sup>however</sup> ~~not~~ to make any official  
comment until we have established exactly what  
material the Iranians have available from our  
sources. This is urgently being done (paragraph 5  
of my telegram No. 291). Our preliminary  
conclusion is that, while there is evidence to show

3/5  
130  
CYPRUS

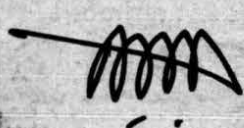
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RECEIVED IN  
REGISTRY  
5 MAY 1969  
NEQ 3/324/1

1255  
3/4  
am

that we thought British interests would be best ~~be~~  
~~served~~<sup>served</sup> if the Shatt al Arab remained, as far as  
possible, under Iraqi sovereignty, there is no  
evidence to indicate that we brought any pressure  
to bear on the Iranians to sign the 1937 Treaty.  
Whatever ~~had been~~ our relationship with Iraq at the  
time, the Iranians were free to negotiate and  
need not have signed unless they saw some  
advantage in so doing.

4. There has been no press interest here yet. It  
seems likely that Aram will eventually reply to the  
Iraqi Ambassador's letter to The Times. We think  
that this would provide the best occasion for News  
Department to volunteer some comment, and by that  
time we should have been able to investigate all  
the material ~~released to~~<sup>available in</sup> the Public Records Office.

 3/5

NOTHING TO BE WRITTEN IN THIS MARGIN

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88

CYPHER CAT A

BAGHDAD TO FOREIGN AND COMMONWEALTH OFFICE

TELNO 425

4 MAY 1969

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TOP SECRET  
RECEIVED IN  
REGISTRY  
5 MAY 1969  
NEQ 3/324/1

ADDRESSED TO FCO TELNO 425 OF 3 MAY.

REPEATED FOR INFORMATION TO TEHRAN, KUWAIT AND BAHRAIN.

YOUR TELNO 291 TO TEHRAN : IRAQ/IRAN RELATIONS.

THE POLITICAL COUNSELLOR OF THE IRANIAN EMBASSY CALLED A FEW DAYS AGO ON MY POLITICAL COUNSELLOR TO ENQUIRE ABOUT THE WAY IN WHICH THE ANGLO-IRAQI TREATY HAD BEEN TERMINATED. ALTHOUGH THIS SEEMED A SIDE ISSUE AT THE TIME AND AN ATTEMPT TO FIND A PRECEDENT FOR THE UNILATERAL ABROGATION OF A TREATY, LATER DEVELOPMENTS AND IN PARTICULAR IRANIAN ALLEGATIONS OF BRITISH PRESSURE ON THEM TO CONCLUDE THE 1937 TREATY WITH IRAQ MAY GIVE IT GREATER RELEVANCE.

2. MEHRAN REFERRED TO THE MENTION OF THE ANGLO-IRAQI TREATY IN THE PROTOCOL OF THE 1937 IRAQ/IRAN AGREEMENT. BY REFERENCE TO PUBLISHED SOURCES, MCKEARNEY WAS ABLE TO TELL HIM OF THE ATTEMPT TO REPLACE THE 1930 TREATY BY THE ABORTIVE PORTSMOUTH TREATY IN 1948 AND OF ITS EVENTUAL REPLACEMENT BY THE 1955 SPECIAL AGREEMENT WHICH WAS DEEMED TO HAVE LAPSED WHEN IRAQ WITHDREW FROM THE BAGHDAD PACT.

3. IN REPLY TO MEHRAN'S QUESTION ABOUT OUR ATTITUDE TO THE DISPUTE, MCKEARNEY TOOK THE LINE DESCRIBED IN TEHRAN TELNO. 355 AND F C O TELNO. 270 TO TEHRAN. MEHRAN SAID THAT HE THOUGHT THE DISPUTE SHOULD BE OF CONSIDERABLE CONCERN TO THE GREAT POWERS AND IMPLIED THAT THE IRANIANS WISHED US TO INVOLVE OURSELVES WITH IT MORE CLOSELY.

FCO PASS TEHRAN KUWAIT AND BAHRAIN RESIDENCY.

MR EVANS

/REPEATED AS REQUESTED/

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DEF. POL. D.

P.U.S.D.

NAT. & TREATY D.

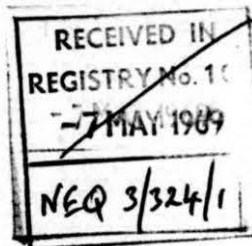
MOD (INTERNAL)

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Mr. Roberts. (89)

Mr. Miers

Jm.



Shatt al Arab and  
Iranian/Iraqi Relations

After the call of the Iranian Ambassador on 30 April, the Minister of State asked me to check what was the status of the 1937 documents relating to the Shatt al Arab and the 1937 Agreement and what was the likely evidence which Mr. Aram had been able to find to justify his claim that H.M.G. had been involved. You also asked for comment this morning on Tehran telegram No. 373 about recent statements in the Iranian press and the possibility of some counter-statement by News Department.

2. First, as regards the 1937 documents. Under the Thirty Year Rule these have all been released, and are available for inspection in the Public Records Office for those who ask to see them. It would be very difficult indeed to make the Lord Chancellor's discretion to hold documents retroactive. No documents relating to this period on this subject were specially withheld.

3. Second, the evidence which Mr. Aram may have. Middle East Section of Research Department are working very hard on this. They are having to go through at least six large volumes from the Public Records Office. I attach a copy of a minute by Mr. Paul which is in the nature of an interim report and which gives a preliminary conclusion about the nature of the documentation. I think that it will be clear that the position of H.M.G., largely on the basis of Admiralty requirements, was that our interests would be best served if the Shatt al Arab waterway were under Iraqi control. No doubt we advised the Iraqis in this sense and helped them in their negotiations. This, however, is irrelevant to the fact that the Iranians put their signature to the Agreement. I am hopeful that there will not be much, if any, evidence to say that we put any pressure on the Iranians themselves.

4. Third, comment by News Department. Before deciding on this we need to reach a conclusion about the nature of the evidence. This we will do as quickly as possible with the help of Research Department. I am inclined to think, however, that in the absence of press interest here it would be somewhat contrived if News Department volunteered a statement and this could do more harm than good. The matter would be different if, and, Mr. Aram decided to publish a letter in the Times in answer to the Iraqi Ambassador. If in this letter he were

/to make

-2-

to make charges about British involvement, it might well be appropriate for News Department to comment.

*A.A. Acland*

(A.A. Acland)

2 May, 1969.

c.c. Mr. Arthur,  
Mr. Tripp,  
Mr. Hinchcliffe.

*Thank you.*

*I entirely agree with para 4.  
We want to know the story  
in case we have to say something.  
Let's hope, we don't have to!*

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... 5/5*

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2/5*

*Enter - p.a.*

*~~mm~~ 6/5*

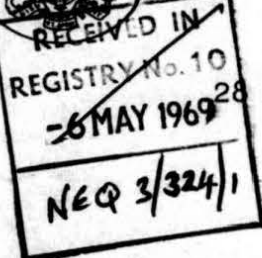
RESTRICTED



BRITISH EMBASSY,

ANKARA.

3/79



28 April, 1969

*Handwritten notes:*  
m. H. C. L. L. K.  
n. R. A. K. I. S. S. O. N.  
S. y. d. e. r. m. 575-

(90)

*Dear John.*

Iraq/Iran Relations

I realise that you are almost certainly being inundated with telegrams on this subject but you may wish to have this brief note about Turkish reactions.

2. The Turkish press has been unanimous in expressing the hope that the dispute may be resolved peacefully. On 23 April a popular daily ran a story that the Iraqi Foreign Minister had asked the Turkish Ambassador in Baghdad if Turkey would mediate in the affair. This was subsequently denied by the Foreign Ministry and the Secretary General told the Ambassador that Turkey had no intention of mediating. He added that Turkey merely hoped that both her friends would show moderation and understanding. Prior to this conversation, the Iraqi Ambassador had asked Sir Roger Allen whether he thought Turkey would be willing to mediate. The Ambassador replied that he thought this unlikely.

*Yours ever.*  
*John*

(J. Dodds)

J.R. Rich, Esq.,  
Near Eastern Department,  
F.C.O.

c.c.  
Chanceries:  
Tehran  
Baghdad

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Reference

RECEIVED IN  
REGISTRY No. 10

7 MAY 1969

NEQ 3/324/1

Mr. Arland. (NED).

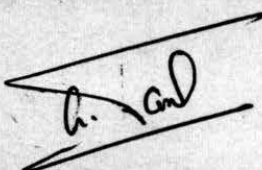
We spoke. As I suggested to you on the telephone we think it highly probable that the documentation embarrassing to the British to which Mr. Aram refers must derive from the researches carried out recently in the PRO and IOL by an Iranian research team which was, in the main, interested in Bahrain and the Persian Gulf islands.

2. It will have had access to the discussions and exchange of views which took place within the FO itself, and between the FO, the Admiralty, the Board of Trade, and HM Ambassadors in Baghdad and Teheran on the subject of the Shatt al Arab up to the time of the signature of the Frontier Treaty of 4 July, 1937, and for some little time thereafter.

3. From these it would be perfectly easy for the Iranians to assume that the Admiralty, in particular, was opposed to to any agreement which did not safeguard specific British interests, as indeed it was, and from there going on to conclude, mistakenly, that the line ~~adopted~~ adopted by the Admiralty was that of HMG.

4. I attach a short note on the FO and Admiralty positions at the beginning of 1937, at which time the latter appear to have realised that an agreement wholly acceptable to them was unobtainable. I have found nothing, so far, to suggest that Admiralty pressure had any bearing on the terms of the Treaty or of the Protocol attached in Sections III and IV of which British interests are given particular consideration.

5. This, however, is an interim note only, and it could be that as my researches proceed, I might have to modify the note attached in some particulars. The PRO do not appear to have kept a record of the pps. examined by the Iranians, but the IOL did so, and I have asked them to check and bring to my attention any pps. which might have caused Mr. Aram to speak as he did.

  
A. Paul.  
Middle East Section.  
Research Department.

I May, 1969.

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Admiralty Participation in the Shatt al Arab Dispute  
1936-1937.

Since approximately 1929/30 HMG had been interested, for a number of obvious reasons, in resolving the boundary dispute between Iran and Iraq, and so far as the Shatt al Arab was concerned its policy, up to the end of 1936, had been greatly influenced by Admiralty concern as to the passage of, and facilities in, the river leading to the port of Basra.

2. The Admiralty was concerned with two particular aspects:

- a. physical ability to get ships to Basra.
- b. the legal right of ships flying the White Ensign to go to Basra as required,

and for these two reasons was extremely reluctant to agree to any arrangement whereby any part of the river (including the anchorage off Abadan) should be ceded to Iran without adequate safeguards, eg. a tripartite Conservancy Commission on which the UK should be represented, for control and administration of navigation in the river.

3. Shortly, the Admiralty view was as follows:

"By all means let the Iraqis settle the frontier as a separate question: this has nothing to do with us, but they should not be allowed to include cession of the anchorage, etc. without establishment of a proper Conservancy Board for river control. In any case, whatever the outcome, Iraqi control of the whole of the Rooka Channel should be assured".

4. By the end of 1936, however, the FO had reached the conclusion that the River Convention which HMG would like to have was non possumus, and decided therefore to opt for the most advantageous agreement they could get. Admiralty reaction to this was that while it recognised that political factors must be given due weight it should not be regarded as concurring with the FO view, and having thus recorded disagreement it appears to have taken no further active part in the proceedings after its joint discussion with the FO on 16 December, 1936 [E.7921]

Middle East Section.  
Research Department.

1 May, 1969.

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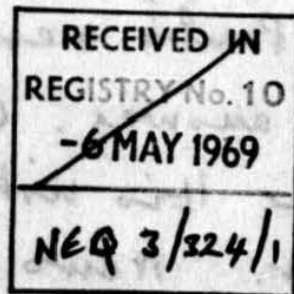
(91)

Reference.....

Mr. Hinchcliffe. (NED).

As discussed with Mr. Acland I am attaching herewith a note on the part played by HMG in the Treaty negotiations between Persia and Iraq in 1937.

It shows clearly enough that Mr. Azam has no good ground for his assertions, but I shall be sending you a further note dealing with the FO minute referred to in Tehran's telegram 373 in due course.



*Acland*

A. Paul.  
Middle East Section.  
Research Department.

5 May, 1969.

This is a useful summary, and  
helpful in exploding Mr. Aram's contentions.

We are now ready :-

- a) To produce a guidance  
Tel.
- b) To devise a line for Trans  
Dept.

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*/we*

6.

(19)  
We might also arrange for Mr Paul's minute to be sent to interested parties, and we must ensure that those concerned in the office here (the Minister of State, Mr Altman & others) are informed of the line. I think that a submission covering a) & b) & attaching Mr Paul's memorandum would be the answer. Could you please pursue this with IPD, Guidance Dept., News Dept, as necessary.

ASD 5/5

Mr Hinchcliffe

Submission replied

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whole favourable Persian proposals of January 1937 caused them to abandon their previous suspicions and over-rigid attitude.

5. In February, 1937 the Foreign Office expressed the view that "it is clear that the Iraqis are making up their minds without us. Fortunately they seem to be making them up on the right lines". [ E 682 of 1 February, 1937]. A fortnight later they minuted that the Persian proposals were unexpectedly satisfactory and informed Baghdad [Tel. 35 of 15 February, 1937. E878/3/34] that they thought the Iraqi Government had acted prudently in accepting them, though they had certain modifications to suggest, (access of warships, conservancy and the Rooka Channel).

6. There was some slight anxiety later when it was felt that Iraq's desire for a settlement was causing it to ignore certain vital issues which might result in British interests being sacrificed, and H.M. Ambassador in Baghdad was instructed to draw the attention of the Iraqi Government to the questions involved. As a result the Iraqi suggestion of a protocol annexed to the Treaty dealing, ~~inter alia~~ inter alia, with the question of visiting warships was accepted by the Persian delegation on 19 June, 1937, and on July 4 the Treaty was signed.

7. H.M. Ambassador in Tehran, in discussing the final stages of the negotiations, indicated that he had indeed advised the Iraqis to take a firmer line on the question of conservancy, but without effect. Although the Persians may have had reason to suspect that HMG was encouraging the Iraqis to be less accommodating than they were, the Shah himself expressed approval of the Treaty, and showed himself friendly and well-disposed. [Tehran to FO. Desp. 262 of 14 July, 1937, with FO minutes attached. E.4510].

8. The Treaty had left the question of a conservancy convention to future negotiation, and for some months after July 1937 HMG continued their efforts to secure a competent authority for control of navigation, etc., in the Shatt al Arab, the Iraqis on the whole favouring a tripartite board with British participation [Tehran to Baghdad. Saving Tel. 117 of 19 October, 1937. E6220], and the Persians adamantly refusing to consider any but a bipartite board or, as a concession, a tripartite board, the third member being a neutral agreeable to both Iraq and Persia. The Iraqis appear to have been hopeful that HMG might bring pressure to bear on the Persians to give way but the ~~Governor~~ categorically refused to do so. In the event no agreement on conservancy was reached before the outbreak of the Second World War in September, 1940.

9. It is clear, therefore, that throughout the negotiations HMG refrained from putting any pressure on the Persians and,

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considering their interests and position vis-avis Iraq, remarkably little, other than the proffering of advice, on the Iraqis, and it is wholly unwarrantable to suggest that the Treaty was concluded other by the voluntary agreement of the contracting parties.

Middle East Section.  
Research Department.

5 May, 1969.

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(92)

Reference.....

Mr. Hinchcliffe (~~WED~~).

~~MM~~ 6/5

As promised I attach herewith a note on Mr. Baggallays memorandum of 31 December, 1936.

RECEIVED IN REGISTRY No. 10 7 MAY 1969 NEQ 3/324/1
---

~~C. Paul~~

A. Paul.  
Middle East Section  
Research Department.

5 May, 1969.

~~Mr. Mahan~~ 6/5

~~Mr. Achard~~

Please keep this handy. It is  
useful evidence.

~~MM~~ 6/5

Reg & lu ~~MM~~ 7/6

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Foreign Office Memorandum E.7925/10/34 of 31 December,  
1936.

The Foreign Office memorandum referred to by the Iranian Ministry of Foreign Affairs as "conclusive proof of British interference in the formulation of the 1937 Treaty", (Tehran to FCO.Tel.373 of 1 May,1969) is that drafted by Mr. Baggallay outlining proposals for a new policy towards the Perso-Iraqi frontier dispute. Perusal of this document makes it clear how far HMG were prepared to go in persuading the Government of Iraq to reach agreement with the Persians, and in no sense does it bear the interpretation now put upon it by the Iranian Ministry of Foreign Affairs.

2. It is almost wholly concerned with the advice which it is suggested HMG should offer to the Government of Iraq, at the beginning of 1937 as a means of securing a frontier treaty with Persia which should, within the bounds of reason, satisfy all interested parties, i.e. Iraq, Persia, and, in view of their undeniable interests as an ally of Iraq and as major consumers of Persian oil, HMG as well.

3. In that part of the memorandum dealing with the thalweg frontier opposite Abadan (Paras.7 - 18) Mr. Baggallay stressed ~~stressed~~ the great importance of friendly Iraqi-Perso- relations in the difficult times which appeared to lie ahead:

"It is essential for Iraq to cultivate genuinely friendly relations with Persia, but so long as the frontier dispute remains unsettled, the establishment of such relations is impossible. This is equally true of relations between His Majesty's Government and Persia, and it must be remembered that in the event of hostilities involving the Shatt-el-Arab it is likely to be at least as important for HMG to obtain oil from Persia as to send warships to Basra. The events of the past year have lent a degree of reality to the problems of the Shatt-el-Arab which they did not possess in earlier years, but above all else they have made it imperative that the whole question should be settled in a manner which will enable HMG and Iraq to rely on Persian friendship in the unsettled period which may lie ahead. This is a matter of pure self-interest for HMG, and the manner in which the Persian Government have hitherto conducted the dispute, or the general behaviour of Persia towards HMG, form no part of the argument.

8. But while tolerably friendly relations  
between/

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between the Powers interested in the Shatt-el-Arab are impossible without a frontier settlement, no settlement can be lasting or effective unless it satisfies reasonable Persian aspirations. Unless it does so, Persia will be under constant temptation to use the very real powers of obstruction and interference which her geographical position undoubtedly gives her, all legal barriers notwithstanding, to the detriment of Iraq and of HMG. In the event of war this might be not only inconvenient but dangerous. Whatever may be the legal and historical basis of the existing frontier, it is unquestionably abnormal, and only defensible on the ground that Persia has other outlets to the sea and Iraq has none. There can be no doubt that this abnormality has created a genuine grievance in the minds of the Shah and his counsellors, and this grievance is a serious obstacle to complete tranquillity in the Middle East. It has been made abundantly clear that the minimum concession which will remove this grievance is an anchorage off Abadan, and it can hardly be denied that even for practical purposes an anchorage within the narrow limits hitherto suggested is of little value, while for purposes of amour-propre it is of no value at all. It is therefore submitted that the true interests of Iraq, and a fortiori of HMG, who have in addition to consider the position of the Anglo-Iranian Oil Co., demand that Iraq shall conciliate Persia by granting her a thalweg frontier, at least opposite Abadan. If this were done with a good grace, and the remaining details of the settlement could be satisfactorily adjusted, the gain in Persian goodwill and cooperation should far outweigh the attendant risks".

4. Mr. Baggallay then goes on to discuss how the minimum British requirements might be framed as to make them palatable to Persia, and his conclusions (para. 28) can be summarised as follows:

- a. modification of the advice hitherto offered to the Government of Iraq, and to suggest cession of a thalweg frontier opposite Abadan,
- b. this concession to be dependant on a right of passage for warships through the Shatt al Arab, and proper control of conservancy, etc.
- c. the Iraqis to be advised to leave in abeyance the proposal for a tripartite conservancy board, but to seek the establishment, if possible, of an advisory board,
- d. to recommend to the favourable consideration of the Persian Government such of the proposals as are agreed

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to by the Government of Iraq.

In so far as this memorandum can be viewed as "interference" it is so only in the sense that it was directed towards persuading the Government of Iraq to make concessions which it had hitherto been reluctant to do, and as the quotation in Para.3 above clearly illustrates it shows considerable understanding of, and sympathy for, the Persian case.

Middle East Section  
Research Department.

5 May, 1969.

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British Interest in the Iraq-Persian Frontier  
Treaty of 4 July, 1937.

Examination of the records covering the period before and immediately after the signature of the Treaty of 4 July 1937 fails to reveal anything which in any way supports Mr. Azam's contention that the Treaty had in some way been imposed by Great Britain, that pressure was put on Iran to sign, or that any documents exist which are in any way embarrassing to HMG.

2. On the contrary, while there is of course ample evidence that HMG were interested in securing a treaty which should fully safeguard navigation in the Shatt al Arab, and also permit them freely to implement their treaty obligations to Iraq, the line taken by HMG was, saving the above considerations, one of studious disinterestedness, and although it is clear that pressure could have been put on Iraq (not on Persia) to prevent signature of an ~~agreement~~ unsatisfactory agreement, it was never applied. HMG limited itself to advising the Government of Iraq in what it considered to be its ~~(Iraq's)~~ (Iraq's) best interests, which in part of course coincided with its own.

3. HMG would have liked to have seen establishment of a tripartite conservancy board in which the United Kingdom should participate because:

- a. 95% of the shipping using the Shatt al Arab was British,
- b. it was essential that British warships should be able to reach Basra in fulfilment of our treaty obligations to Iraq,

but in fact HMG were unable to achieve more than a clause in the protocol attached to the Treaty allowing warships of third parties to use the Shatt al Arab by permission of one or other of the contracting parties.

4. It is moreover clear that for some time prior to December 1936/January 1937 HMG had of deliberate policy refrained from putting pressure of any sort on either party in the hope that a satisfactory solution might evolve without it, and H.M Ambassador in Baghdad is on record as expressing the view that more progress was likely to be made if the Iraqis and Persians were allowed to work together on their own lines [Baghdad to FO.Tel.46 of 11 February 1937]. When at last Iraqi-Persian negotiations got under way in the New Year of 1937 HMG were naturally concerned to ensure that their interests should be understood and safeguarded by the Iraqis, and although the latter were inclined at times to lean heavily on HMG for support they never followed a consistent line, and the on the

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Near Eastern Department,

(93)

6 May, 1969.

Neq 3/324/1

Shait al Arab

(74)

(56)

Your telegram Nos. 627 and 652 reported that the Iraqi and Iranian Permanent Representatives had sent letters to the President of the Security Council setting out their respective cases over the Shait al Arab dispute. These letters must be largely for the record and we would not expect that the Council will be asked formally to consider the question, at any rate at this stage.

2. It looks as if the risks of interference to shipping or other incidents are receding but we certainly cannot rule out the possibility that there will be an incident involving the use of force, and in that event one or other of the parties might quietly bring the dispute urgently to the Security Council. For your use as background information, we have just sent you the two Research Department papers (Memorandum IM6/5 of 27 February 1964, and a short note reciting recent developments). More substantive research is still being done and the original memorandum itself will in due course be amended.

3. It is clear that the Iranians are going to make the most of the allegations that the 1937 Treaty is a relic from the colonial era and that the British were in some way responsible for forcing the Iranians to agree to it. This point was hinted at in Vakil's letter and the Iranian Ambassador here made much of it when he called on the Minister of State on 30 April (I am arranging for P.G.O. telegram No. 291 together with subsequent telegrams to be sent to you separately by bag). It is clear that the Iranians have some material available to them as a result of the release of papers under the 30 year rule. We must form some conclusion on this material before deciding what our line should be and we are having it urgently investigated (paragraph 3 of P.G.O. telegram No. 295 to Tehran). As soon as we know what the Iranians may be able to use in evidence against us we will work out our own line and let you and other posts know.

(A.A. Ireland)

S.L. Norton, Esq.,  
U.K. Mission to the U.K.,  
New York.

C.C. J.S. Champion, Esq., Tehran.

P. McKernan, Esq., Baghdad.

A.D. Davies, Esq., Washington.

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Registry  
No.

DRAFT letter

Type 1 +

SECURITY CLASSIFICATION

Top Secret.  
Secret.  
Confidential.  
Restricted.  
Unclassified.

To:—

S. L. Egerton, Esq.,  
~~UN 17-10-64~~  
~~UKMIS~~ New York.

From

A. A. Acland  
Telephone No. & Ext.

Department

PRIVACY MARKING

.....In Confidence

c.c.

J.S. Champion,  
Esq.,  
Tehran.

P. McKearney,  
Esq.,  
Baghdad.

A.B. Urwick, Esq.  
Washington.

(With Research  
Depts. Note, but  
not basic paper)

[& for v.v. (Vol), with  
Research Hqs.]

Any comments?

WAS. 5/5

in thick cliffe

in Donohoe  
(CON (P.R. Dep))

Re Your v.v. AS  
UNCLASSIFIED  
WE HAVE SENT  
YOU THE TWO  
RESEARCH DEPT  
PAPERS (LR 6/5  
OF 27 FEBRUARY  
1964 & A SHORT  
NOTE CONCERNING  
RECENT DEVELOPMENTS)

Shatt al Arab

Your telegrams Nos. 827 and 852 reported that the Iraqi and Iranian Permanent Representatives had sent letters to the President of the Security Council setting out their respective cases over the Shatt al Arab dispute. These letters must be largely for the record and ~~I imagine that you do not expect that the Council will be asked to consider the question at any rate at this stage.~~ <sup>we would formally</sup>

2. It looks as if the risks of interference to shipping or other incidents are receding but we certainly cannot rule out the possibility that there will be an incident involving the use of force and in that event one or other of the parties <sup>might sincerely</sup> ~~bring~~ <sup>the dispute</sup> ~~urgently~~ to the Security Council. [I am not sure what background material you already have available in the Mission. In case you do not have it readily available I am sending a copy of a useful Research Department Memorandum (LR 6/5 of 27 February 1964) which sets out the background together with a short note which we commissioned to bring this paper up-to-date.] More substantive research is still being done and the ~~Memorandum~~ <sup>original</sup> itself will in due course be

/amended.....

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(148281) Dd. 391599 1,500m 2/69 Rtr.

amended.

3. It is clear that the Iranians are going to make the most of the allegations that the 1937 Treaty is a relic from the colonial era and that the British were in some way responsible for forcing the Iranians to agree to it. This point was hinted at in Vakil's letter and the Iranian Ambassador here made much of it when he called on the Minister of State on 30 April (I am arranging for F.C.O. telegram No. 291 together with subsequent telegrams to be sent <sup>by me</sup> separately by bag). It is clear that the Iranians have some material available to them as a result of the release of papers under the 30 year rule. We must form some conclusion on this material before deciding what our line should be and we are having it urgently investigated (paragraph 3 of F.C.O. telegram No. 295 to Tehran). As soon as we know what the Iranians may be able to use in evidence against us we will work out our own line and let <sup>you</sup> ~~know~~ know.

[Hardly argues well for Bahrain cooperation.]

you L. <sup>know</sup> ~~know~~

 6/5

NOTHING TO BE WRITTEN IN THIS MARGIN

E. IRANIAN-IRAQI RELATIONS

Iranian Comment on the "Colonialist Conspiracy" in the Gulf

Tehran home service in Persian 16.30 GMT 30.4.69

Excerpts from commentary by Mehdi Qasemi:

... Fearing that Iran and Iraq might agree to demarcate the Shatt al-Arab in a way unfavourable to British interests, the British Imperial Council in December 1936 made certain proposals to settle Iranian-Iraqi differences. Most interesting among these are proposals numbers three and four. In proposal number three, the British Government asked Iraq to agree to a change in the previous recommendation, which granted Iran only 100 yards of the Shatt al-Arab waters in front of the port of Abadan. The proposal recommended that the thalweg be considered the border. The proposal said: No solution is valid unless Iran's satisfaction is obtained in a logical manner, for, Iran otherwise might consider the use of force to obstruct the activities of the other side.

The Council made proposal number four to support its views. It declared: bearing higher interest in mind - permanent, cordial relations with Iran - the Council recommends the thalweg as the border between the two countries, for this will ensure such friendly relations. We can see that Iran's rights had been indefensibly and obviously trampled under foot so that the participants had to recommend the thalweg as the border between the two countries.

However, colonialism showed its colour in the end. Following such recommendations and studies, a representative of the British Admiralty strongly opposed these proposals, saying that should the median line be recognised as the border, difficulties might arise concerning British access to Basrah through the Shatt al-Arab. The representative argued that as a result Iran might become responsible for dredging at two important points in the Shatt al-Arab and endanger British interests.

The representative said in conclusion that the Admiralty accepted the thalweg only at Abadan - a solution which, according to the Admiralty, was not in conflict with British interests. Let us add that based on this, all recommendations by the Imperial Council were set aside and the opinion of the Admiralty - its form and substance unchanged - formed the basis of the 1937 agreement. This is why Iran considers it as a legacy of colonialism...

The present Iraqi policy and its attitude towards Iran coincide with the British Government's declaration that it intends to withdraw its forces from the Persian Gulf. Meanwhile, those who have the interests of the colonialists at heart say that should the British forces leave the Persian Gulf, there will be discord and disturbances in the region. Anyone with commonsense can see the harmony between the Iraqi Government's policy and the views of the British Conservative Party leader, Edward Heath. Quoting Heath's criticism of the rival ruling party, the 'Sunday Times' says: We should constantly watch the Persian Gulf and see which country's policy serves British interests best.

Nor is it in vain that, following all this noise and despite Iran's argument, the BBC speaks of beloved Iraq as if Iraq were right. However, Iran will follow its chosen path, the path of truth. The colonialist conspiracy will be shattered by our will to defend our rights.

Majlis Proceedings on 1st May

Tehran home service in Persian 10.30 GMT 1.5.69

Excerpts from report:

The Majlis today again strongly criticised the Iraqi regime's inhuman treatment of Iranian residents in, and Iranian pilgrims to, Iraq, and called on the Government to convey to the world the Iranian people's protest against the crimes of Iraqi officials and to take up the matter at the UN.

An open session of the Majlis met under the chairmanship of Abdollah Riazzi at 09.00 today. The first speaker was the deputy Pedrami who, on behalf of the Iranian workers, discussed Iranian-Iraqi relations and expressed the Iranian workers' disgust at Iraq's unfriendly actions against Iranians resident in Iraq. He said that what the Iranians were being subjected to in Iraq today was deplorable and painful. The deputies applauded him. The leaders of the Iraqi regime should know, he said, that although we were a peaceful nation, we would not accept aggression and threats.

The deputy Pordeli also spoke along the same lines and said: The inhuman and mediaeval treatment of Iranians by the agents of the Iraqi regime has wounded the hearts of the Iranian people. He was applauded and added: The Iranian people demand that necessary and decisive action be taken in this matter. Iranians resident in Iraq must not be allowed to suffer further persecution and torture...

The deputy Pezeshkpur also strongly condemned the torture and persecution of Iranians by the Iraqis and said: The unspeakable treatment of Iranians by the Iraqi regime is a flagrant insult to our national dignity. We must not be satisfied with publicising these violations, persecutions and crimes - which are nothing new from the Iraqis - in the pages of newspapers or on television. Any complacency or forgiveness will be a cardinal sin in these critical circumstances when our fellow countrymen are being subjected to such oppression in Iraq. I do not know what measures the Iranian officials concerned have taken in view of all this obvious oppression and persecution. Why does the Government not refer the matter to international organisations and voice the Iranian people's feelings to the world about all these crimes committed on its doorstep? ... He said the Iranian people demanded that the Government take the most decisive action possible in this matter, and submit it to the UN. The Iranian people were united behind the Government.

#### Iraqi Foreign Ministry Reply to INA Question

Baghdad home service in Arabic 17.00 GMT 1.5.69

#### Excerpts from report:

The official spokesman of the Iraqi Foreign Ministry has replied to an Iraqi News Agency, (INA) correspondent's question on the Iranian Foreign Ministry's statement of 27th April on Iran's attempt unilaterally to abolish the 1937 treaty concluded between Iraq and Iran. The spokesman said:

The Iranian statement contains unfounded allegations to justify its unilateral attempt to abolish this treaty and to use military force to implement this attempt. This unilateral attempt constitutes a flagrant violation of international law and an illegal measure. Iran will be responsible for the international implications of its action...

The 1937 border treaty between Iraq and Iran is a permanent treaty stipulating permanent and final conditions. Such treaties cannot be abolished under the excuse that conditions have changed, since the legal conditions specified by this treaty remain in force even in the event of war between its signatories. Therefore, legally Iran has no right to abolish this treaty unilaterally under the excuse that conditions have changed...

The conditions which prevailed in Iraq in 1936 and 1937 prove that Iraq, and not Iran, was under imperialist domination. As a result of the conditions prevailing at the time the treaty was signed, Iraq was forced to concede a part of its territory in the Shatt al-Arab. This concession was strongly opposed by the Iraqi people. Despite everything, Iraq continued to respect its obligations and the provisions of this treaty, out of its desire to fulfil its international obligations and preserve good neighbourly relations with Iran.

Iraq has not violated the provisions of the 1937 treaty as alleged by Iran. Iraq has abided and continues to abide by the provisions of this treaty. It tried to reach an agreement with Iran on the provisions of article five of the treaty and the second provision of the protocol attached to this treaty. What prevented the reaching of an agreement was Iran's intention to use this as an excuse for its unfounded allegations...

In the face of this clear Iraqi attitude based on respect for treaties and on using peaceful means to solve disputes, Iran suddenly declared that it would not abide by the treaty; concentrated land, sea and air forces all along the border between Iraq and Iran; and threatened to use force. This constitutes a serious threat to the safety and security of the Iraqi Republic, and a violation of the UN Charter and the bases of international law.

Some of these concentrations have actually been used and are still being used to attack Iraq's sovereignty in the Shatt al-Arab, to hamper navigation in the area and to carry out activities which are considered serious interventions in Iraqi administrative affairs in the Shatt al-Arab. The Iranian Government will be solely responsible for the serious consequences of these illegal acts and measures...

Iraq has not resorted to threats or the use of force as alleged by the Iranian Government. Iraq's logic has been and continues to be adherence to the provisions of international law, the UN Charter and the treaties concluded between the two countries as bases for organising relations between them and solving all disputes. Iraq categorically refuses to abandon any of its land or sea territories. It will resort to the legitimate methods to preserve its rights, sovereignty and borders.

Iraq had hoped that wisdom would govern the behaviour of the Iranian Government and that it would not violate international law and the provisions of international agreements in the name of international law because invoking the term international law to describe the serious Iranian unilateral measure will not change the nature of the illegal Iranian measure. The solid Iraqi attitude based on sound international laws and the sacred rights of the Iraqi people will not falter in the face of Iranian threats and military concentrations.

The Iranian officials' statement that they are prepared to withdraw their forces now concentrated on the Iraqi borders provided that Iraq does the same is intended to make Iranian and world public opinion believe that there are Iraqi military concentrations threatening Iran. There is no basis for this allegation. Iraq has not concentrated forces on the borders...

Iraq attempted to solve this dispute peacefully. The two sides agreed to meet in Baghdad to negotiate. When the Iranian side came to Baghdad in February 1969 for this purpose, only two meetings were held before the Iranian side suddenly cut short the talks and returned home...

During the February 1969 negotiations in Baghdad, Iraq submitted to the Iranian side draft agreements to organise relations between the two countries and to solve the existing problems, including the organisation of navigation in the Shatt al-Arab, in accordance with the provisions of the 1937 treaty between them. All this shows that Iran has not been serious in its negotiations with Iraq and proves Iran's intentions to realise territorial gains from Iraq.

The Iraqi Government, out of its concern to show its good intentions toward its neighbour Iran, believes that tension in the region can be removed by restoring the normal conditions which had been prevailing in the Shatt al-Arab and all along the border between the two countries before Iran's unilateral abolition of the 1937 border treaty and by resorting to peaceful methods to solve the outstanding problems in accordance with the provisions of the 1937 treaty between the two countries.

(94)

TOP COPY

EN CLAIR

TEHRAN TO FOREIGN AND COMMONWEALTH OFFICE

TEL NO. 389

6 MAY 1969

UNCLASSIFIED

RECEIVED IN REGISTRY NO. 10 - 7 MAY 1969 NEQ 3/324/1
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(78)

MY TEL 373: IRANO/IRAQI RELATIONS.

ACCORDING TO A REPORT IN ETTELA'AT, THE IRANIAN M.F.A. YESTERDAY PUBLISHED ANOTHER FOREIGN OFFICE DOCUMENT ABOUT THE SHATT AL-ARAB. THE NUMBER OF THE DOCUMENT IS GIVEN AS E1183/32/34 AND THE DATE AS 1935. THE DOCUMENT IS SAID TO RECORD THE PRIME MINISTER AS HAVING REMARKED THAT UNILATERAL PROTECTION OF IRAQ'S INTERESTS OVER THE SHATT MIGHT AFFECT ANGLO/IRANIAN RELATIONS, AND AS HAVING ASKED HIS ADVISERS WHETHER THIS WAS A SERIOUS DANGER. THE HEAD OF EASTERN DEPARTMENT IS SAID TO HAVE MINUTED IN REPLY THAT H M G SHOULD SIDE WITH IRAQ IN ORDER TO PROTECT THE INTERESTS OF THE EMPIRE AND COUNTER ITALIAN INFLUENCE

SIR D. WRIGHT

FCO/WH DISTRIBUTION:

NEAR EASTERN DEPT

&&&&

**CONFIDENTIAL**

Near Eastern Department,

95

7 May, 1969

76

**Shah Al Arab**

86  
83 Your telegram No. 373 of 1 May referred to Iranian press statements linking us with the iniquities (in Iranian eyes) of the 1957 treaty and to an official statement referring to a report by a "Mr. Bagaly". The Iranian representative's letter to the President of the Security Council (UNIS New York tel. no. 852) made similar but less precise charges. You will also know from the record of conversation between the Iranian Ambassador and Mr. Roberts on 30 April that Mr. Aram referred to evidence which he had to show that the British Government had been involved.

91  
92 2. Research Department have now been through the documents relating to this period and to the negotiations in question. I am enclosing two minutes prepared by the Middle East Section which deal respectively with the general allegation and with the Baggallay memorandum. You will see from these that little or no evidence has been found to substantiate Iranian allegations and they are particularly wide off the mark about Baggallay's memorandum.

3. I suggest that you and other posts to whom this letter and enclosures are being copied should use the contents of the Research Department's minutes at your discretion. You could say that examination of the relevant documents show that H.M.G. limited itself to advising the government of Iraq in what it considered to be Iraq's best interests and in so doing was very conscious of the need for good relations between Iraq and Iran and between H.M.G. and the two countries concerned. In the event the Agreement was not entirely satisfactory from H.M.G.'s point of view, but we refrained from putting pressure on Iraq in an attempt to gain what at that time we considered to serve our own interests best. There can certainly be no suggestion that we put pressure on the Iranians and whatever may have been our own judgement about where British interests lay, this does not alter the fact that the Iranians were free to negotiate as they thought appropriate and more important were free to sign or not to sign an agreement once the discussions had taken place. Geoffrey Arthur has spoken on these lines to the Iranian Ambassador.

4. We are also arranging for a more general guidance telegram to be sent to posts.

5. The Iranian Ambassador told Geoffrey Arthur on 7 May that he had written (on instructions) to the Times in answer to the letter from the Iraqi Ambassador. Arthur said that in the

/absence...

J. S. Champion, Esq., O.B.E.,  
British Embassy,  
Tehran

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absence of press interest, we should not initiate any comment. But we might be forced to take issue with the Ambassador, when his letter was published, over the question of British involvement in the 1957 Treaty. The Ambassador (who was rather uncomfortable about the whole thing) said that he hoped we should be able to ignore his letter, though he must admit we had a right to dispute allegations of British involvement. Arthur said that we would deal with it as gently as we could, but we should have to comment if the Ambassador's letter, or any other publicity, led to questions from the press.

(A. A. Asland)

C.C.

F. McKernan, Esq.,  
Baghdad

S. L. Egerton, Esq.,  
UNIS, New York

A. B. Urwick, Esq.,  
Washington

T. J. Everard, Esq.,  
Aden

A. C. Goodison, Esq.,  
Kuwait

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Registry No.	DRAFT Letter	Type 1 +
SECURITY CLASSIFICATION	To:—	From
Top Secret. Secret. Confidential. Restricted. Unclassified.	J.S. Champion, Esq. OBE  Tehran	Mr. Acland Telephone No. & Ext.  Department
PRIVACY MARKING		
.....In Confidence		
C.C. P. McKearney, Esq Baghdad.  S.L. Egerton, Esq UKMIS, New York  A.B. Urwisk, Esq Washington.  T.J. Everard, Esq Bahrain  A.C. Goodison, Esq Kuwait.	<p style="text-align: center;"><u>Shatt Al Arab</u></p> <p>6 Your telegram No. 373 of 1 May referred to Iranian press statements linking us with the iniquities (in Iranian eyes) of the 1937 treaty and to an official statement referring to a report by a "Mr. Bagely". The Iranian representative's letter to the President of the Security Council (UKMIS New York tel. No. 852) made similar but less precise charges. You will also know from the record of conversation between the Iranian Ambassador and Mr. Roberts on 30 April that Mr. Aram referred to evidence which he had to show that the British Government had been involved.</p> <p>2. Research Department have now been through the documents relating to this period and to the negotiations in question. I am enclosing two minutes prepared by the Middle East Section which deal respectively with the general allegation and with the Baggallay memorandum. You will see from these that little or no evidence has been found to substantiate Iranian allegations and they are particularly wide off the mark about Baggallay's memorandum.</p> <p>3. I suggest that you and other posts to whom this letter and enclosures are being copied <del>in</del></p> <p style="text-align: right;">/should</p>	

should use the contents of the Research Department's minutes at your discretion. You could ~~with say~~ <sup>say</sup> that examination of the relevant documents show that HMG limited itself to advising the government of Iraq in what it considered to be Iraq's best interests and in so doing was very conscious <sup>of</sup> ~~for~~ the need <sup>for</sup> ~~of~~ good relations between ~~the~~ Iraq and Iran and between HMG and the two countries concerned. In the event the ~~Agreement~~ <sup>Agreement</sup> was not entirely satisfactory from HMG's point of view, but we refrained from putting pressure on Iraq in an attempt to gain what at that time we considered to ~~serve~~ <sup>serve</sup> our own interests best. There can certainly be no suggestion that we put pressure on the Iranians and whatever may have been our own judgement about ~~whether~~ <sup>where</sup> British interests lay, this does not alter the fact that the Iranian were free to negotiate as they thought appropriate and more important were free to sign or not to sign an agreement once the discussions had taken place. Geoffrey Arthur has spoken <sup>on this line to</sup> ~~an~~ <sup>the</sup> Iranian Ambassador.

4. We are also arranging for a more general guidance telegram to be sent to posts.

5. The Iranian Ambassador <sup>told Geoffrey Arthur on 7 May</sup> ~~here has not yet~~ <sup>that he had written (on instructions)</sup> published a letter to the Times in answer to ~~that~~ <sup>the letter</sup> from the Iraqi Ambassador. <sup>Arthur said that in the absence of</sup> ~~in the absence of~~ <sup>we should</sup> press interest, ~~News Department will not initiate~~ any comment, ~~but will wait either until the~~ ~~Ambassador's letter is published or until other~~ ~~events increase interest in this subject.~~

But we might be forced to take issue with the Ambassador, when his letter was published, over the question of British involvement in the 1937 Treaty.

/The

NOTHING TO BE WRITTEN IN THIS MARGIN

NOTHING TO BE WRITTEN IN THIS MARGIN

Registry  
No.

DRAFT

Type 1 +

SECURITY CLASSIFICATION

To:—

From

Top Secret.  
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Department

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The Ambassador (who was rather uncomfortable about the whole thing) said that he hoped we should be able to ignore his letter, though he must admit we had a right to dispute allegations of British involvement. Admin said that we would deal with it as gently as we could, but we should have to comment if the Ambassador's letter, or any other publicity, led to questions from the press.

 7/5

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RECEIVED IN REGISTRY No. 10 - 8 MAY 1969 NEQ 3/324/11
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(96)

Mr. Arthur

Mr. Tripp

I agree with the Recommendations and the terms  
of the draft letter and telegram submitted.

J.P. [initials]  
7.5.

Shatt Al Arab Dispute

Problem

Flag A During a conversation with Mr. Roberts on 30 April the  
Iranian Ambassador alleged that HMG had been involved in the  
negotiations of the 1937 treaty and had used influence to  
persuade the Iranians to accept it. He said that he had  
documentary evidence to that effect. The Iranian Ministry of  
Flag B Foreign Affairs has also made similar allegations (Tehran  
telegram No. 373) also claiming the possession of conclusive  
proof of British interference in the formulation of the 1937  
treaty. Similar but less precise charges have been made in  
the Iranian representative's letter to the President of the  
Flag C Security Council (UKMIS New York telegram No. 852). Mr. Aram  
also told Mr. Roberts that he would be bound to reply to the  
Flag D letter to the Times from the Iraqi Ambassador on 28 April  
and that he would have to refer to British involvement in  
the treaty negotiations. How should we react to these allegations?

Recommendation

2. Research Department have now concluded their examination  
Flags E&F of the documents. I therefore recommend

(a) that posts directly concerned should be sent the  
results of Research Department's examinations

/(which are

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(which are satisfactory from our point of view).

I attach a draft.

- (b) that other posts should receive a guidance saving telegram since there has been a good deal of publicity about the Shatt Al Arab dispute. I attach a draft.
- (c) that if and when required to do so and in particular if Mr. Aram publishes a letter in the Times the News Department should comment (unattributably if possible) drawing on the background and paragraph 6(e) of the guidance savinggram referred to above.

3. News Department and Guidance Department concur.

Argument

4. Research Department have examined the Iranian allegations in the light of all available documents on the 1937 Treaty. They conclude that there is no good ground for Mr. Aram's assertions that the Treaty had in some way been imposed by Great Britain, that pressure was put on Iran to sign or that any documents exist which are embarrassing to HMG.

5. Examination of the relevant documents show that HMG in 1937 limited itself to advising the Government of Iraq in what it considered to be its (Iraq's) best interests, which in part of course coincided with our own. In the event the Treaty was not entirely satisfactory from HMG's point of view - nevertheless Great Britain refrained from putting pressure on Iraq in an attempt to gain her own ends.

/6.

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6. It is desirable that posts should be in the picture in case the Shatt Dispute flares up again. It is also desirable that News Department should be in a position to comment if necessary. In the absence of press interest at the moment it would, however, be some-what contrived if News Department volunteered a statement and this could do more harm than good. Comment should only be made as necessary if Mr. Aram publishes a letter in the Times in answer to the Iraqi Ambassador or general public interest is aroused by further Iranian allegations.

*A. A. Acland*

(A. A. Acland)

6 May, 1969

c.c. Mr. Miers

*I have amended the letter in the light of my talk with the Iranian Amb. today. I have recorded that talk in a separate minute.*

*~~Mr. Acland~~*

*E6  
S.*

*Copy to mine*

*AMM.*

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# AYATOLLAH HAKIM TO LIVE IN IRAN?

by MOSTAFA BASHI

**QASH-E-SHERIN, Saturday.**  
THE Shi'ite religious leader, Ayatollah Hakim, has declared his wish to leave Iraq and come to Iran to take up residence in Qom or Mashad, according to Ayatollah Seyed Hassan Shirazi.

Ayatollah Shirazi was himself expelled by the Iraqi authorities. He went to that country three months ago on pilgrimage.

According to other informants, notably Seyed Javad Moravvati — who recently arrived here after being a three-day prisoner of the Iraqis — Ayatollah Hakim has stated that if the present mistreatment of Iranians in Iraq continues, he will quit the country.

The Shi'ite leader was also reported to have requested the Iraqi President on two separate occasions to instruct the Iraqi militia to put a stop to the harsh treatment of Iranians in Iraq. "However," said Ayatollah Shirazi, "the Iraqi Government paid no heed to Ayatollah Hakim's plea."

Ayatollah Shirazi's case itself is a prime example of the antagonistic behaviour against Iranian pilgrims. He related the following story to this correspondent. "There were 21 of us and we were all seized and hoarded into a truck. We were then taken to a police station, where they imprisoned us, taking our money and belongings and leaving only about 400 rials to each person."

Ayatollah Shirazi then described how Iraqi officials beat them with sticks and tortured them. One such method was to tie a prisoner to a spinning fan, suspended from the ceiling. "One 22-year-old Iranian died in this way," said Ayatollah Shirazi.

Reports from the Khosravi frontier point confirm these atrocities. Iranian residents in Iraq, as well as Iranian pilgrims, have been expelled from Iraq in large numbers.

More than two thousand Iranians have passed through Khosravi in the past three days alone.



Ayatollah Shirazi

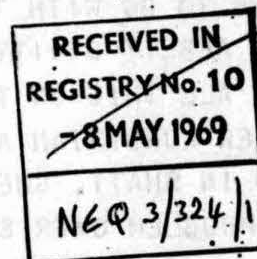
NEA 3/324/1

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CYPHER/CAT A  
ROUTINE BAGHDAD

TELEGRAM NUMBER 432

TO FOREIGN AND COMMONWEALTH OFFICE  
6 MAY 1969



CONFIDENTIAL

ADDRESSED TO FCO TELEGRAM NO. 432 OF 6 MAY REPEATED FOR INFORMATION  
TO TEHRAN BAHRAIN RESIDENCY KUWAIT AND SAVING TO WASHINGTON.

MY TELEGRAM NO 410: IRAQ/IRAN RELATIONS.

IRAQI MINISTER OF FOREIGN AFFAIRS, ON WHOM I CALLED  
ON 5 MAY, SAID IT WAS IMPORTANT FOR IRAQ TO KNOW ATTITUDE OF HER  
FRIENDS. WHAT WAS POSITION OF HMG? I REPLIED THAT WE HAD MADE IT  
CLEAR TO IRANIANS BOTH IN LONDON AND IN TEHRAN THAT WE COULD NOT  
RECOGNISE UNILATERAL ABROGATION OF 1937 TREATY AND THAT WE HOPED  
THAT NEITHER SIDE WOULD TAKE PROVOCATIVE ACTION. I ADDED THAT WE  
HOPED THAT QUESTION WOULD BE SOLVED AMICABLY AND THAT REFERENCE  
MIGHT BE MADE TO ARTICLE 33 OF UNITED NATIONS CHARTER. PLEASE  
SEE YOUR TELNO 291. MINISTER OF FOREIGN AFFAIRS SAID THAT  
UNFORTUNATELY IRANIANS HAD ALREADY TAKEN PROVOCATIVE MEASURES AND  
ASKED WHY HMG HAD NOT MADE THEIR POSITION PUBLIC. I SAID THAT WE HAD  
DELIBERATELY REFRAINED FROM ANY STATEMENTS AND THAT PUBLIC STATEMENTS  
DID NOT ALWAYS HELP. MR SHEIKHLY SAID THIS WAS PROBABLY WISE.

2. SHEIKHLY THEN ASKED WHAT WOULD BE HMG'S POSITION IF SITUATION  
DETERIORATED, IF THERE WERE A MILITARY CONFRONTATION OR IF QUESTION  
CAME UP AT U.N. I REFUSED TO BE DRAWN BUT SAID THAT QUARREL WAS NOT A  
NEW ONE AND IT WAS TO BE HOPED THAT PARTIES, AS ON PREVIOUS OCCASIONS  
WOULD FIND A SOLUTION. I ADDED, EXPLAINING IT WAS MY PERSONAL  
SUGGESTION, THAT IF IRAQI GOVERNMENT COULD DO SOMETHING TO REASSURE  
IRANIANS NOW LIVING IN IRAQ WHO WERE GREATLY ALARMED, THERE MIGHT BE  
SOME POLITICAL AS WELL AS HUMANITARIAN DIVIDENDS. HE DID NOT TAKE  
THIS AMISS.

3. SHEIKHLY WONDERED WHETHER IRANIAN AGGRESSIVENESS OVER SHATT HAD  
/ANYTHING

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- 2 -

ANYTHING TO DO WITH THEIR POLICY IN PERSIAN GULF. I SAID THAT THE IRAQIS, ALBEIT UNWITTINGLY AND IN ALL INNOCENCE, HAD POSSIBLY BROUGHT ALL THIS ON THEIR OWN HEADS. THEY HAD ASKED TEHRAN TO HELP THEM OVER KURDISTAN AND IRANIANS HAD BEEN QUICK TO ASK FOR A QUID PRO QUO IN SHATT. SHEIKHLY SAID THAT SHAH HAD TOLD HIM THAT THERE WAS NO PROBLEM OVER SHATT AND THAT IRAN ASKED FOR NOTHING MORE THAN WHAT WAS NORMAL UNDER INTERNATIONAL LAW. HE, SHEIKHLY, HAD INTERPRETED THIS AS RECOGNITION OF VALIDITY OF 1937 TREATY (WHEREAS CLEARLY WHAT SHAH HAD IN MIND WAS A SOLUTION BASED ON THE THALWEG).

4. MINISTER OF FOREIGN AFFAIRS WAS ALSO INTERESTED IN ANNOUNCED REPLACEMENT OF IRANIAN CHIEF OF STAFF (WHO HAD RECENTLY VISITED BAGHDAD, HAD SHOWN HIMSELF TO BE WELL-DISPOSED AND WAS KNOWN TO BE CLOSE TO SHAH) AND WONDERED WHETHER THIS PORTRAYED AN EVEN TOUGHER IRANIAN LINE.

FCO PASS TO TEHRAN, BAHRAIN RESIDENCY, KUWAIT AND SAVING TO WASHINGTON.

MR. EVANS

/REPEATED AS REQUESTED/

FCO DISTRIBUTION

NEAR EASTERN DEPT.

MOD INTERNAL

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NEQ 3/324/1

**10.30 GMT 5.5.69: (Text)** Workers and other elements of the people in Tehran and other towns pledged in massive demonstrations today their readiness to sacrifice their lives for the Shah and the country. They strongly condemned the Iraqi Government's inhuman treatment of the Iranian pilgrims and residents in Iraq. A great number of the Iranian people have also sent letters and telegrams to the Pars News Agency expressing their willingness to join the Imperial Army to defend Iran's rights in the Shatt al-Arab. While commending the people for their love for the Shah and the country, the Pars News Agency apologises for being unable to carry even a part of these many letters and telegrams.

**10.30 GMT 5.5.69: (Text)** A Pars News Agency correspondent has reported from Kermanshah that another group of Iranians driven out of Iraq after being subjected to harsh treatment and torture arrived in Ilam today. The Kermanshah Red Lion and Sun Society has supplied 300 blankets and adequate food and other facilities for their welfare. According to other reports from Kermanshah, 130 people who had been driven from Iraq were transferred by bus last night to Kermanshah from camps in Khosrovi and Qasr-e Shirin. In Kermanshah they are now housed in a mosque. Another group of 299 Iranians expelled from Iraq who had been settled in Kermanshah camps were taken by Red Lion and Sun Society buses to homes of relatives in various towns.

According to other reports sent to Tehran at 12.00 today from Kermanshah and Sanandaj, two new groups of Iranians arrived at the Khosrovi border and Sanandaj last night and at dawn today. According to these reports there are now more than 1,000 Iranians living in camps at the Khosrovi border and Qasr-e Shirin. The general health services department of Kermanshah Province has sent two well-equipped medical teams. Sanandaj municipality is taking care of 42 Iranians who have arrived in Sanandaj from Iraq.

**16.30 GMT 5.5.69: (Precis)** The Secretary General of the Iranian Human Rights Commission, in a telegram to the President of the International Red Cross tonight, asked the Red Cross to provide urgent aid to the stranded, destitute dependents of Iranian residents of Iraq forced out by the Iraqi Government. The Red Cross was also asked to take steps within the regulations of the International Red Cross to stop the humiliating, inhuman Iraqi Government treatment of Iranians in Iraq.

The Iranian Red Lion and Sun Society, in a letter to the International Red Cross Federation today, described the plight of Iranians expelled from Iraq. The letter says that, contrary to the provisions of the 1946 Geneva Convention, the Iraqi Government in the past two weeks has expelled illegally and without cause thousands of Iranians who have been living in Iraq for decades. They have been subjected to unforgivable treatment and they arrive in Iran in unacceptable physical and mental conditions. Most of them have been forcibly separated from their families. So far several thousand people have become victims of the barbarous actions of the Iraqi Government - in itself, adequate evidence of the Iraqi Government's intentions.

A late Pars News Agency report from Kermanshah says that another group of 640 Iranians expelled from Iraq has arrived at the Khosrovi border crossing. The Red Lion and Sun Society has provided shelter, food, and other facilities for them. The Governor General of Kermanshah has also allocated several public buildings to house the new arrivals from Iraq.

Various groups again today held meetings and extensive demonstrations in Tehran and the provinces in support of the Government's measures to protect Iran's rights in the Shatt al-Arab.

#### Iranian Publication of British Document on Shatt al-Arab

**Tehran home service in Persian 10.30 GMT 5.5.69**

#### Text of report:

The Iranian Foreign Ministry today published a British Foreign Office document on the Shatt al-Arab problem. The document, which is registered at the British

Foreign Office under the number E-1183-32/34 concerns certain remarks made by the British Prime Minister in 1935. According to the document, the British Prime Minister realised in 1935 that the British policy of supporting Iraq on the Shatt al-Arab problem might worry Iran and aggravate Iranian-British relations. Therefore, he asks his advisers: Are we not facing the possibility of getting ourselves involved in a serious but unnecessary dispute with Iran in the interest of Iraq?

But Butler and Rendell, chiefs of the eastern department in the British Foreign Office, answer: We should side with Iraq to protect the interests of the Empire and counter the influence of Italy. The British Prime Minister's advisers' argue: At this stage of the dispute our involvement is merely designed to protect our interests. For the Italian [word indistinct] has jeopardised our interests by his improper action. Apparently he has ignored the basic problem and has concentrated his efforts on obtaining certain concessions for his Government in the Shatt al-Arab.

#### Ahwaz Liberation Front Statement

Baghdad home service in Arabic 04.00 GMT 6.5.69

#### Text of report:

The Ahwaz Liberation Front has issued the following statement in connection with the Iranian provocations against Iraq:

The agent Iranian Government, by its hostile attitude against Iraq and the Iraqi progressive revolution, is simply carrying out one of the provisions of the broad plan proposed by the Zionist State in Palestine and drawn up by US circles. This provision calls for the agents in Iran to occupy the brave Iraqi Army to prevent it from carrying out its sacred duty in Palestine and to attract the Iraqi Army to the Iraqi-Ahwaz border to weaken the Arab Eastern Front so that the Zionist gangs in occupied Palestine can launch a new war against the Arab nation.

The statement stresses that the progressives in Iran - Arabs, Kurds, Baluchis, Persians and Turks - are closely watching the hysterical, reactionary, Iranian provocations against the Arab progressive forces in general and Iraq in particular. It adds that despite the support of US imperialism and Zionism, Iranian reaction cannot stand in opposition to the people's will.

#### Basrah Television Complaint of Flooding by Iranians

Iraqi News Agency in Arabic 11.20 GMT 3.5.69

#### Text of report:

Basrah: In a commentary in Arabic and Persian last week, Basrah television exposed the shameful role of US intelligence, in collaboration with the Iranian rulers, in diverting water from the Karun and Karkheh rivers on to the Arab population in Arabistan and Iraqi agricultural areas. The commentary said that US intelligence had instructed one of its agents - an engineer in control of the Dez dam - to open the outlets and flood the Arabistan area and Iraqi agricultural land. This took place after the execution of spies in Iraq.

The agent Iranian rulers tried to conceal the scandal so that the friendly Iranian people and the peoples of the free world should not learn about it, the commentary added. They did this by taking suspicious action on the Iraqi border and making false claims about the Shatt al-Arab, thinking that the people of Arabistan would forget the crime.

The commentary warned the Iranian rulers against the consequences of their hysterical actions and asserted that the Gulf would remain for ever Arab.

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(98)

Reference.....

RECEIVED II.  
REGISTRY No. 10  
-8 MAY 1969  
NEQ 3/324/1

Mr. Hinchcliffe. (NED).

(90) We spoke. I attach herewith a note (which should be read in conjunction with that of 1 May on Admiralty Participation in the Shatt al Arab Dispute) giving the correct text of Mr. Rendell's letter of 27 February, 1936, referred to by the Iranian Ministry of Foreign Affairs.

2. It is difficult to imagine why the Iranians have selected this particular piece for propaganda purposes. There are others on the ~~file~~ files, which presumably their research team must have scrutinised, which would have suited their purpose, if taken out of context, rather better.

*A. Paul*

A. Paul.  
Middle East Section  
Research Department.

7 May, 1969.

*Reg & l.u. with four sentences. For 1.*

*Mr. Mahajan. 7/5 PUNA 8/5.*  
*Mr. A. Paul. Bureau Tehran Telegram. 7/5.*  
*Mr. A. Paul. 7/5. This refers to the item mentioned in BBC Monitor, Report at FLAG 'M'. Mr. Paul*

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*is now looking into the document mentioned in Tehran Tel. 373 of 6 May at (94). PUNA Hall 8/5*

Mr. Rendell's Letter of 27 February, 1936 [ E.892/10/34 ]

*attached  
here.*

The passage quoted in SWB.ME/3066/E/3 as an extract from a document published by the Iranian Ministry of Foreign Affairs on 2 May is only a short, and not very accurate, quotation from a letter from Mr. Rendell to Sir A. Clark Kerr in Baghdad in reply to the Ambassador's letter of 4 February. What Mr. Rendell actually said was:

"In the first place the Persians are clearly going to press very strongly for the median line (by which they probably mean the thalweg - although the two are in fact at this particular point quite different) off Abadan. But the Iraqis (with the support of Col. Ward, Edmonds, and indeed of the Admiralty here) seem equally determined to resist such a claim, and are only <sup>of</sup> prepared to agree to a narrow strip of water. If only because the Admiralty views on this subject we can hardly press the Iraqis at this stage to change their attitude and it seems to me that this means that there ~~will~~ must be a protracted deadlock on the frontier question".

2. Col. Ward was the Director of the Port of Basra Authority, and the Government of Iraq's principal adviser on all matters concerning the Shatt al Arab. It is clear that the FO very frequently did not approve of the advice which he gave his ~~Government~~ Government. Mr. Edmonds was, at that time, Adviser to the Ministry of Interior.

3. Mr. Rendell's view, as expressed in Para. 6 of the same letter, was that HMG should, for the time being, "take no further initiative beyond what is necessary to make clear that it is not we who are holding up a settlement", and adding that he thought that the Persians and Iraqis were unlikely to reach a settlement without British help, which would be more effective if proffered later rather than earlier.

4. The only point which the Iranians may have here is that, as was already well known, the Admiralty took a more uncompromising view of HMG's interests than the Foreign Office, but whatever their influence on policy prior to December, 1936, after that date they accepted the FO view that we would have to settle ultimately for less than our full requirements. Quite definitely, therefore, and however strong Admiralty pressure may have been in February, 1936 it ceased to influence policy after December of that year or during the period (January-July 1937) in which the Frontier Treaty was being negotiated.

Middle East Section  
Research Department.

W.98

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(A, D)

E. IRANIAN-IRAQI RELATIONS

Iranian Foreign Ministry Statement of 3rd May

Tehran home service in Persian 10.30 GMT 3.5.69

Excerpts from statement by Foreign Ministry spokesman (read by announcer):

On 1st May Baghdad radio quoted an Iraqi Foreign Ministry statement on the invalid 1937 Iranian-Iraqi border agreement and the recent crisis in relations between the two countries. However, there is nothing new in the statement, but only a repeat of the inaccuracies, distortions and contradictory remarks made repeatedly by the Iraqi side since the start of the crisis. The Iraqi Foreign Ministry spokesman says: When Iraq acquired independence, freedom and sovereignty and broke away from Ottoman rule, Iran declared the Constantinople agreement invalid. Iran then referred its case to the League of Nations and, as a result, the 1937 border agreement was signed.

Perhaps the Iraqis have failed to refer to the background of the case. If they have, they are deliberately distorting the facts. In accordance with the documents of the League of Nations it was Iraq which complained to the League in 1934 to prevent Iran from exercising its rights in the Shatt al-Arab. We are not aware of the Iraqi Government's intention in distorting this fact. However, it should be mentioned in this connection that when so-called independent Iraq applied for membership in the League of Nations, the Iranian representative said that Iraq should resolve its differences with Iran. The Iraqi representative then promised to do so. Again, according to another document, when Iraq acquired its superficial independence, the British Government - Iraq's protector - acted on its behalf to get Iran to extend recognition to Iraq. According to the document, the British Government promised that Iraq would discuss the Shatt al-Arab with Iran if the Iranian Government recognised Iraq. The discussions were intended to help to satisfy Iran's reasonable demands.

The Iraqi Foreign Ministry's spokesman also refers to the Erzurum treaty and the Constantinople protocol. First of all, they should know that neither of these treaties contains any reference to the question of sovereignty and the Iranian-Ottoman border. According to the existing documents, the policy followed by the Iranian and the Ottoman Governments was based on the joint exercise of sovereignty in the Shatt al-Arab, with the exception of that part belonging to the Ottoman Government. This policy had been adhered to since the Shatt al-Arab became a navigable waterway and perhaps long before that.

As to the validity of the Erzurum treaty and the Constantinople protocol, the Iraqi officials do not seem to know about the views expressed by the representatives of the Soviet Union and Turkey - signatories of the above documents - when the Iraqi-Iranian complaint was being discussed at the League of Nations. The then Soviet Foreign Minister, Litvinov, said: According to the documents handed over to the Council by the two sides and according to their representatives' remarks here, Russia was involved in the arrangements made by the Ottoman Empire and the Iranian Government regarding their borders. As a matter of fact, the Erzurum treaty and the Constantinople protocol bear the signature of the then Russian Government. I must, therefore, declare that the present Soviet Government completely dissociates itself from all those policies and interests which prompted the former Imperial Russian Government to get involved in the demarcation of borders between other countries.

Here is the opinion of the then Turkish Foreign Minister: My country is mentioned here several times in connection with a document bearing the signature of the Ottoman Government. Regarding this, I say that my position is the same as that of Mr. Litvinov. Meanwhile, the Iraqi Government should know that, in addition to this being the opinion of the successors of the above signatories of the treaties, Iran too has never considered the above treaties as being in order or valid...

Regarding the invalid 1937 agreement, according to the existing documents, the Iraqi Government at the time either took its orders officially from the British Government or referred to it for advice. As for the thalweg [middle of the navigable channel] being the Iranian-Iraqi border in the Shatt al-Arab, a British Admiralty letter shows that, in the interests of the British Empire, the British officials preferred Iraq - their puppet Government - to be in possession of the Shatt al-Arab. Therefore, they did not agree to the thalweg as the border in the entire Shatt al-Arab. The Iraqi Government should know that even the 1937 agreement recognised certain undeniable Iranian rights. On reading the agreement, one is convinced beyond doubt that Iraq did not enjoy absolute sovereignty in the Shatt al-Arab.

The Iraqi Government spokesman claims to be speaking as a sane and learned person. Does he know that, in accordance with current international practices, the thalweg or median line is considered the border when two countries are separated by a large, navigable river pouring into the sea?...

On 15th April the Iraqi Deputy Foreign Minister threatened the Iranian Ambassador in Baghdad. He said that Iraqi officials would lower the Iranian flags flown by Iranian ships in the Shatt al-Arab, that they would force Iranian naval crews off their ships and they would obstruct ships entering the Shatt al-Arab to call at Iranian ports. Thus, the Iraqi Government created the present crisis. Does the Iraqi Government expect the Iranian Government to capitulate before such threats and allow the Iranian flag and Iranian national honour to be insulted? Does the Iraqi Government expect Iran to be silent when ships bound for Iranian ports in the Shatt al-Arab are obstructed? Ironically enough, on the one hand the Iraqi officials say that they will not use force to resolve their differences with Iran; on the other hand, the Iraqi Deputy Foreign Minister threatens to lower the Iranian flag by force...

The Iraqi spokesmen say that the concentration of Iranian forces on the border weakens Iraq vis-a-vis Israel. This means that Iraq has strengthened and deployed its forces against Iran. On the other hand they say that their border troops have not been reinforced by a single man... The Iraqi Government should know that it cannot hide the reinforcement of troops on the border, for the Iranian Government knows all the details.

If only the Iraqi Government refrained from molesting and torturing Iranian pilgrims and women. If only it refrained from creating a critical and tense atmosphere and from using slanders and accusations. If only the Iraqi Government came up instead with a rational and reasonable answer. The Iraqi Government has explicitly admitted that it was dominated by British imperialism in 1936 and 1937. If only the Iraqi Government realised the effective involvement of the British Government in the preparation of this imperialist agreement. Now that it claims to have driven imperialism out of Iraq, it should consider its effects as being invalid. It could then resolve its differences with Iran in accordance with the relevant principles of international law. It would then have given up its futile efforts to revive the cancelled imperialist treaty of 1937, knowing that no force can impose this treaty on Iran again...

#### Mehdi Qasemi on History of 1937 Treaty

Tehran home service in Persian 16.30 GMT 3.5.69

Excerpts from commentary by Mehdi Qasemi:

The Iraqi Government is still torturing Iranian pilgrims to the holy shrines and Iranian residents in Iraq with particular obstinacy. On the other hand, true to its profound understanding of Islamic society - and particularly bearing in mind Islamic society's need for a consensus and a unanimous expression of views - the Iranian Government has tried in various direct and indirect means, and especially through the UN, to get the issue resolved by friendly negotiations in accordance with the principles of international law...

Let us once again consider the substance of Iraq's argument in defence of the 1937 agreement. We have carried several commentaries so far describing the circumstances which led to this treaty. We have also quoted several documents showing that colonialism and colonialist interests played a role in this. We left no doubt about the motive of Iraq's noisy propaganda and sophistry. Let us refer again to the Shatt al-Arab file. We now produce a document showing the nature of the agreement which is so close to the heart of the anti-imperialist Government of Iraq.

The document, published yesterday by the Iranian Foreign Ministry, is a letter sent on 27th February 1936 by the head of the Eastern Department at the British Foreign Office, Mr. Rendell, to the British Ambassador in Baghdad. The letter, which deals with Iranian-Iraqi differences and negotiations on Shatt al-Arab, says: 'Clearly, the Iranians will exert great pressure for a line which passes along the river bed, and they probably have the thalweg in mind. On the other hand, supported by Col. (?Varn) and indeed by the British Admiralty, the Iraqis are apparently just as adamant in resisting such a claim. They are only prepared to agree to a narrow strip of the river for Iran. The more important point is that Rendell then notes: We cannot exert pressure on Iraq to change its behaviour at this stage, if only because of the Admiralty's views.'

The cancellation of the agreement by the Iranian Government is considered by Iraq a colonial conspiracy and is advertised as such. Here we should mention that we are citing these facts to show the peaceful nature of Iran's foreign policy. They do not mean that we intend to forego our rights and allow ourselves to fall victims to a Government created by colonialism which is used by colonialism as a passive tool. It is also clear that the Iraqi authorities themselves will burn in the fire they have kindled by torturing Iranian residents in Iraq and Iranian pilgrims to the holy shrines there...

#### Baghdad 'Al-Hurriyah' Demand for United Arab Stand against Iran

Baghdad home service in Arabic 05.30 GMT 4.5.69

Excerpt from press review:

'Al-Hurriyah' calls for a united Arab confrontation of Iranian ambitions in Arab territories and waters. It says: Just as Anglo-US imperialism supports and defends Israel's existence in order to strengthen its own domination and monopolies in the area, the task of thwarting the moves of Iranian agent reaction and nipping them in the bud is an important part of the Arab's great battle in Palestine. Because of the common interests linking Zionism and reaction in the Arab homeland, the Iraqi revolution's resistance to the plotting of Iran's rulers and its endeavours to curb their ambitions should not remain the concern of Iraq alone - it should be part of the Arab nation's battle against imperialism, Israel and reactionary regimes in this area.

The paper adds: United Arab confrontation would truly prove that we have learned the lesson of the Palestine tragedy - that force is the only way to achieve Arab rights, check the imperialists and their lackeys, and eradicate and eliminate them from all parts of the great Arab homeland...

#### Ahwaz Liberation Front on Iranian Provocations

Damascus "Voice of the Arabian Peninsula" in Arabic 16.30 GMT 3.5.69

Excerpts from report:

The Ahwaz - formerly Arabistan - Liberation Front issued a statement on 27th April 1969 on the crisis created by the Iranian reaction over the Shatt al-Arab and the repeated Iranian provocations against fraternal Iraq. Here are some important extracts from this statement:

Our fighting masses, all progressive elements everywhere, the evil Anglo-Iranian forces have joined ranks in a pact to destroy the independence and Arab character of the Ahwaz and annex it to an imperialist-Zionist agent State in preparation for the elimination of the Ahwaz's Arab character and its final severance from the Arab homeland. Since then, the Ahwaz people have been suffering from a most bloody reign of terror and oppression at the hands of the rancorous, reactionary Iranian authorities...

The Iranian reactionaries had no alternative but to submit blindly to the schemes of the American imperialists and the Zionist gangs in Palestine, in the hope that they might be able to help them withstand the revolutionary liberation tide in Ahwaz, Baluchestan, Azerbaijan and Kurdistan, and the revolution of the struggling Iranian people which started a few months ago in the mountains of Qazvin Province.

The provocations and suspect movements of the reactionary agent ruling clique in Iran and their massing of troops in Ahwaz and along the Shatt al-Arab are all part of a plan drawn up by the American imperialist circles against the security of the progressive Arab forces in particular and the region in general. The agent Government of the Shah has been pursuing its present hostile attitude to fraternal Iraq in accordance with only one item of a wider scheme proposed by the Zionist gangster State and sponsored by American circles. This item provides for Iranian agents to keep the valiant Iraqi Army occupied to stop it from carrying out its holy mission in Palestine, and drawing it to the Iraqi-Ahwaz border area to weaken the Arab eastern front and enable the Zionist gangs in occupied Palestine to wage a new war against the Arab nation...

Fighters everywhere, the progressive elements in Iran are watching closely the Hitlerite provocations of the Shah's Government against the progressive Arab forces in general and Iraq in particular. No matter how American imperialism and Zionism help the Shah's Government they will not be able to withstand the will of the Iranian peoples, who will continue their revolution to destroy the traitorous agent throne. The steel will of the peoples is bound to crush the agent reactionary regime.

Out of its belief in the unity of revolutionary struggle and the cause of freedom in the world, out of its duty to accomplish the aims of the Ahwaz people and the other Iranian peoples who desire liberation and the establishment of a progressive society, and in accordance with a studied scientific strategy for struggle, the Ahwaz Liberation Front calls on all progressive forces in Iran to consolidate their ranks, establish a strong unified front and set ablaze a progressive revolution to destroy the Shah's throne and feudal empire...

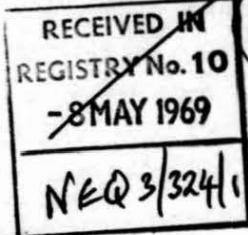
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[Note: The last Appendix on this subject was published in ME/3064.]

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(3/40)



BRITISH EMBASSY

TEHRAN

6 May, 1969.

*John 8/5*

*Mr Hincheliff 8/5*

*Mr Acton. 8/5*

*Model reporting.*

*Dear Donald,*

Irano/Iraqi Relations

*Pa 8/5*

*17/5*

Please refer to my letter 3/40 of 29 April and our telegram No. 373 of 1 May.

2. Derek Burden reports from Khorramshahr that the local shipping agents have had another difficult week. First, they were faced with reports that the Shatt al-Arab had been mined by the Iranians and then, when these reports were denied and it was explained that the mines had only been laid on land, they were faced with a ruling on 2 May that all ships, whether travelling up or down the River, must use Iranian pilots between Khorramshahr and Harta Point, an anchorage about mid-way between Khorramshahr and Abadan, which is clearly outside the hitherto recognised port limits of Khorramshahr or Abadan. The ruling also made it clear that the Iranian flag was to be flown between the Point and Khorramshahr on vessels travelling in either direction. (Hitherto, Iranian berthing masters had taken over, and the Iranian flag had been raised, only in midstream immediately opposite the Khorramshahr anchorage.)

*As I thought  
7/5*

3. There was apparently considerable uncertainty about whether the Iraqi pilots would accept the new ruling, and to avoid the issue most agents started sending their ships upstream past Khorramshahr into wholly Iraqi waters; after a short period at anchor, for appearances' sake, the ships then approached Khorramshahr from the north, as if coming from Basra, taking on an Iranian berthing master in accordance with the normal practice on the northern limits of the Port. One Norwegian ship, leaving Khorramshahr southward bound, tried to observe the new ruling, however, and encountered considerable difficulty with the Iraqi pilot at Harta Point. The latter first insisted on bringing the ship into the port limits before taking it down stream. Eventually, after about five hours delay, the ship proceeded down river under Iraqi pilotage (although it was incorrectly reported in the press here that she had been taken down the river by an Iranian pilot).

4. This state of confusion lasted only about 24 hours, however, since on 3 May an oral instruction from the Port cancelled the

D. J. Makinson, Esq.,  
Near Eastern Department,  
F.C.O.

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6 given earlier order and told the companies that the arrangements for pilots could revert to the status quo ante (i.e. Iranian berthing masters would only take over immediately opposite the Port). The reason for the change was that, because of the strong tide, Harta Point was for the moment too dangerous a place to change pilots. Although some confusion still remains about flags, most agents are apparently sticking to the original procedure of only flying the Iranian flag within port limits. Burden adds that this is another example of the Iranians pressing their cause in principle and then withdrawing when faced with practical difficulties. Having made their point with the passage down stream of the "Ibn Sina" and the "Arya Far", they seem to be in no hurry to repeat the experiment, since all Arya Line ships are at present being diverted to Bandar Shahpour. At the same time, the authorities are trying to make it clear that they intend to run their own pilotage and dredging services eventually. There have been several runs up and down the river by a launch reported to be engaged in training pilots, and a dredger has arrived from Bushire, although there are considerable doubts about the suitability of the latter, and its ability to keep the channel clear by itself (the Iraqis apparently have about seven dredgers at work on the river).

5. Burden reports that there has not been much change in the general position during the last week. Iranian military strength is at about the same level as last week, although there has been a certain amount of local movement and some increased emphasis placed on the anti-aircraft defences in the airport area. He comments that with the approach of the hot weather it will soon become pretty uncomfortable for the troops in their battle stations. We have just heard that some limited military withdrawals from the Shatt area may now be in prospect, but this remains to be confirmed.

74 6. Meanwhile, the press have continued to give a great deal of coverage to the crisis, and to the maltreatment of Iranian citizens by the Iraqi authorities. There have been speeches in the Majlis criticizing the Iraqis and supporting the Government's stand. The Iraqi complaint to the United Nations (UKMIS telegram No. 827 to you) was ignored by the press until the Iranians had made their counter accusations, which were, of course, given prominence. Correspondents have been shown a film of the Iranian refugees from Iraq (this has also been sent to U Thant under cover of a letter from Manuchehr Ganji, the Secretary of the Iranian Committee for Human Rights, asking him to investigate the situation in Iran), and have been taken to the border to see the situation for themselves. (P)

7. As you will have seen from our telegram No. 373, the Iranians have attempted to blame us for the crisis, both on the grounds that we imposed the 1937 Treaty, and on the grounds that the Iraqis are at present acting at our behest. The Ambassador accordingly telephoned Afshar on 1 May, and told him that he was worried by the attacks on us in the local press. He did not want to complain formally but if this sort of thing went



on, it could do nothing but harm to Anglo/Iranian relations; he hoped therefore an effort would be made to calm things down. The same evening the Ambassador spoke to the Minister of Court along similar lines and said that he was recommending to London that if the campaign continued we should encourage a reaction in the British press. He told Alam that there was a point beyond which he considered these attacks on us were no longer funny, and that that point had now been reached. Following the Ambassador's representations, the press have not returned to the accusation that we are behind the Iraqis' present attitude (this accusation was presumably aimed at countering Iraqi charges that the Iranians were in league with the Israelis), but they are continuing to stress the extent of our alleged influence in Iraq in 1937, possibly because they think that this will help their case at the U.N. The persistence of the campaign against us leaves us in no doubt that it is inspired from the top, but we have the general impression that its purpose is not to attack us for our own sake, but rather to provide grounds for referring to the Iraqis as former "imperialist tools".

8. As reported in Kuwait telegram No.155/ to you (S) Shaikh Khalid, the Emir of Kuwait's Chef de Cabinet, paid a quick visit here last week bearing a letter from the Emir to the Shah, while the Kuwaiti Minister of Defence, Shaikh Saad, made a parallel visit to Baghdad. According to press reports, which have been confirmed by the Kuwait Embassy here, the Emir's letter contained an offer of mediation, but we understand that the Shah's reply, delivered at the weekend, was not very forthcoming. According to the press, however, the Iranians remain ready to negotiate, but only on the understanding that the Iraqis accept that the 1937 Treaty is null and void. (The Minister of Court has confirmed this to the Ambassador.) On the other hand, the Iraqis are only prepared to negotiate on the basis that the 1937 Treaty still stands.

9. The Minister of Court told the Ambassador on 29 April that the Shah was very displeased with the article in the Economist of 26 April entitled "Whose Gunboats?". Alam said that the Shah took exception to the reference to gunboat diplomacy. When the Ambassador said that he knew of no better term in English by which to describe Iran's recent actions in the Shatt al-Arab, Alam argued that the Iranians had taken defensive action in view of the concentration of Iraqi troops on the other side of the Shatt. The Ambassador replied that to the best of his knowledge there was no such concentration, and he thought the Iranians knew this. Even if the Iranians had taken defensive action, they had done so with gunboats and jet aircraft, - pure gunboat diplomacy. All this was said semi-jocularly and Alam took it all in good part, saying he really agreed with what the Ambassador had said. The latter asked Alam to impress on the Shah that the Economist article was not an unfriendly one, and to let him know that Iranian action in the Shatt had got a far more favourable press in the U.K. than he had expected.

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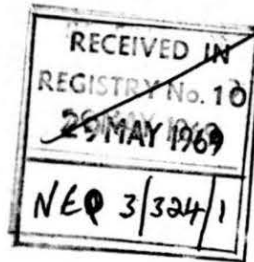
10. Apart from the press campaign and the speeches in the Majlis, Tehran has remained quiet, although on 1 May a car containing five men entered the Iraqi Embassy compound. The occupants tried to force their way into the Embassy building shouting that they wanted to kill the Ambassador and his children. Iraqi officials caught three of the men and the other two fled. The Iraqi Ambassador has subsequently written to our Ambassador, as Dean of the Diplomatic Corps, to draw his attention to "such an unprecedented criminal attack in the history of diplomacy". Although we have a good deal of sympathy for the Iraqi Ambassador and his staff, it is difficult not to recall that he is the Ambassador of a country whose people sacked our own Embassy not so long ago!

*Yours ever,*

*Michael.*

(M.C.S. Weston)

cc: A.E. Saunders, Esq., Baghdad  
D.E.S. Blatherwick, Esq., Kuwait.  
M.S. Weir, Esq., Bahrain Residency.  
H.M. Consulate, Khorramshahr.



Mr. Arthur

Shatt Al Arab

Research Department have now completed their examination of the documents relating to the 1937 agreement and preceding negotiations. They have concluded that there is no evidence to substantiate Iranian charges and in particular the memorandum prepared by Mr. Baggallay and referred to by the Iranian Ministry of Foreign Affairs is on the whole helpful to Iran.

2. I am submitting separately to Mr. Tripp a draft letter to posts directly involved covering the results of Research Department's examinations together with a more general guidance savingram for other posts.

3. Meanwhile, since you are lunching with Mr. Aram on 7 May, you may like to take a quick look at the attached papers from the Middle East section of Research Department.

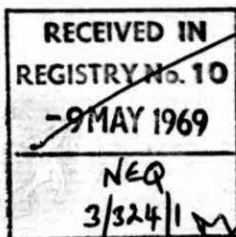
*A. A. Acland*

(A. A. Acland)  
6 May, 1969

c.c. Mr. Miers (with encls)  
Mr. Tripp (without encls)  
Mr. Hinchcliffe (without encls)

*Thank you. Now we need your talk  
with Mr. Aram.*

*[Signature]*  
5.



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100

In view of Mr. Aram's letter to The Times, we must  
brief News Department on this  
issue.

72. This is in hand. Pl.

Mr. Tripp

in Hinchcliffe  
Mr. Mansour 9/5  
Shatt al Arab

Keep in touch with News Dept.  
over this. They should deal with  
the matter gently & not initiate  
comment. ~~AMM~~ 9/5

I had lunch with the Iranian Ambassador to-day. Much of  
our conversation concerned the Shatt al Arab.

2. I said that we did not wish to be involved in this dispute:  
our concern was that it should be settled peacefully, and that  
third parties (including ourselves), whose shipping used the  
Shatt al Arab, should not suffer in the process. We were not  
commenting on the matter, and we hoped that the Iranians would  
not force us to comment. But unfortunately the Iranian press  
continued to allege that we were in some way involved in the  
1937 Treaty (Tehran telegram No. 389); and if this went on we  
should ultimately be forced to refute these allegations. We  
did not think that there was much point in our two countries  
engaging in a historical squabble, and I hoped that the Iranians  
would stop provoking us.

3. The Ambassador (who was pretty uncomfortable throughout the  
conversation) admitted shamefacedly that he had already written  
a letter to the Times, on instructions, in reply to the letter  
from the Iraqi Ambassador which was published on 28 April. He  
had to confess that he had mentioned in this letter the  
involvement of the Admiralty and the then Anglo-Persian Oil Company  
- I was not clear whether he had also involved the Foreign Office.  
I said that I was sorry to hear this: I did not contest the  
Ambassador's right to reply to the Iraqi Ambassador, but there  
seemed no need to involve H.M.G.

4. The Ambassador said that he had written his letter on  
instructions from Tehran. He hoped that we should be able to  
ignore it, so that there would not be a quarrel before the  
Secretary of State visited Iran. I replied that the quarrel  
was not of our making: we were not intending to comment unless  
we had questions, but if we were questioned, we should have to  
say that we could not accept the Iranian version of events in  
1937. We had looked up the papers since the Ambassador saw  
Mr. Goronwy Roberts, and our researches showed that we had not  
put pressure on the parties: indeed it seemed that the draft  
which ultimately became the basis of the Treaty of 1937 had been  
an Iranian draft. I then quoted passages from the Baggallay  
memorandum (which has been mentioned in the Iranian press) to  
show that far from proving that we had interfered in a sense  
unfavourable to Iran we had actually advised the Iraqis to make  
concessions in the interests of their relations with Iran.

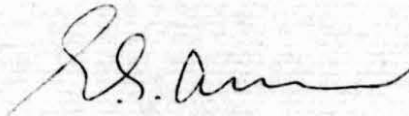
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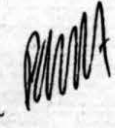
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5. The Ambassador alleged that the records showed that the Admiralty and the Anglo-Persian Oil Company at any rate had operated to the disadvantage of Iran. I replied that I could not believe this of the A.P.O.C.; and as for the Admiralty, they might say whatever they wanted - what mattered was what H.M.G. had done. We had no reason to be ashamed of our record, ~~In any case Iran had signed the Treaty, and how did the Ambassador explain that? Was I to conclude that he thought that Reza Shah was now thought to be an imperialist stooge?~~

6. The Ambassador said that he wished he could go to Tehran and explain things: this was not the kind of subject he could write about. He repeated his hope that we would ignore his letter, and any other Iranian publicity, until the Shah had had an opportunity to speak to the Secretary of State. I said that I doubted whether it would be possible for us ignore unjustified allegations on which we might get questions. But we would deal with them as gently as we could.

  
(G. G. ARTHUR)  
7 May, 1969.

c.c. Mr. Hayman  
Mr. Miers  
Mr. Haydon, News Department.

Pa   
12/5

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By Bag

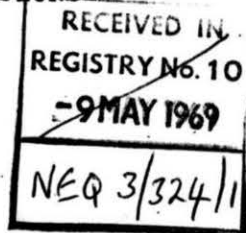
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NE (101)

FOREIGN AND COMMONWEALTH OFFICE TO CERTAIN MISSIONS

Guidance No. 102

7 May, 1969 (P.G.)



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Shatt al Arab.

You will have seen Press comment on the recent flare up on this old dispute between Iraq and Iran.

2. We wish to avoid taking sides in this but, you may, if necessary, draw on the following material with trusted contacts in reply to questions; detailed talking points are in paragraph 6 below.

Background.

3. As on previous occasions (notably in 1959, 1961 and 1965) comparatively minor incidents have been blown-up - this time mostly on Iranian initiative - into an armed confrontation between the two countries. Troops remain deployed on both sides of the Shatt. Although the risk of incidents remains, however, there are signs that the heat is going out of the present crisis and both sides want to avoid a clash. The Iraqis have made it clear (prudently in view of the inferior forces at their disposal) that they are not prepared to fight, and the Iranians are calling for bilateral negotiations. Both sides are at pains to publicise their version of the dispute - in their own Press, at the U.N. and in other countries.

4. There is a risk (which still remains) that foreign shipping, using the Shatt, could be affected, since which flag - Iraqi or Iranian - should be flown by vessels bound for Iranian ports has been a major point of issue.

5. The basis of the dispute is Iran's claim to a division of the waters of the Shatt (the lower reaches of the Karun (Iranian) and Tigris and Euphrates (Iraqi) Rivers on the basis of the Thalweg principle (the lowest point of the channel)). Under existing treaties between Iraq and Iran (the latest being signed in 1937) Iraq has sovereignty up to the low water mark on the Iranian side with the exception of anchorages, based on  
/the Thalweg,

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the Thalweg, at Abadan and Khorramshahr. Iran claims, as during previous disputes, that as Iraq has not observed all the provisions of the 1937 Treaty (the submission to Iran of regular statements of dues collected, and the negotiation of a subsidiary convention), the agreement is therefore null and void. More important from our point of view, the Iranians are claiming that the 1937 Treaty was pressed on Iran by an alliance of the Foreign Office, the Admiralty and the Anglo-Iranian Oil Company - and they claim to have documentary evidence (presumably from material released under 30 year rule) to support this. Research shows however that there is no truth in the Iranian contention. H.M.G. had indeed an interest in 1937 in an agreement which would safeguard navigation in the Shatt al Arab (95 per cent of the ships using the waterway were British) and we were in a position at the time to exert influence on Iraq (but not on Iran, then ruled by the vigorous, Reza Shah, who was not susceptible to British pressure). Throughout the negotiations H.M.G. refrained from putting any pressure on the Iranians and merely offered advice to the Iraqis. The 1937 Agreement was not all that we would have wanted, and it is wholly unwarranted to suggest, on the basis of the evidence available to us, that the Treaty was concluded other than by the voluntary agreement of the contracting parties. The Iranians cannot escape from the fact that after negotiations with the Iraqis, they freely put their signature to the Agreement. Whatever H.M.G. may be on record as thinking their best interests to be, is irrelevant to this point.

Talking Points.

6. (a) We are concerned about the present situation involving two of our friends.
- (b) We consider that the dispute, upon which we are hardly in a position to adjudicate is primarily between the Iranians and the Iraqis. We hope it can be amicably settled, possibly by one of the means of peaceful settlement mentioned in Article 33 of the U.N. Charter.
- (c) It is no one's interest if measures are taken which will involve third parties and the shipping of other nations which make use of the Shatt in passage to both Iranian and Iraqi ports.

/(d)

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FOREIGN AND COMMONWEALTH OFFICE TELEGRAM GUIDANCE NO. 102 OF 7 MAY

-3-

(d) (Only if pressed hard) We do not consider that Iraqi failure to observe all the provisions of the 1937 Treaty necessarily gives the Iranians the justification to denounce it unilaterally. Until we are convinced that some new situation has arisen we have little alternative but to recognise that the frontier remains as settled by the 1937 Agreement.

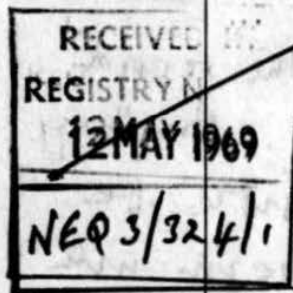
(e) (If asked about the 1937 Treaty)

There is no truth in the contention that the Treaty was in some way imposed on Iran (or Iraq) by H.M.G. H.M.G. may have made assessments about where their best interest lay (all countries have the right to do this), but there is nothing to show that their views were pressed on the Iraqis and still less on the Iranians. The latter negotiated with Iraq and freely affixed their signature to the 1937 Agreement.

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Guidance Dept.

pa fmm  
1215

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Reference.....

Chris Stone W. 101.

Shall be Arab.

P1 let leave  
copy of  
Guidance  
60102  
9.5

Please let me know what line has been agreed with News Department in the event of questions following the eventual publication in The Times of the letter which the Iranian Ambassador has told Mr Arthur he has written to The Times in reply to the Iraqi Ambassador's letter.

2. Mr Arthur thinks that if possible we should ignore the Iranian letter. If pressed we should avoid taking sides and say as little as possible.

J.P.S.  
85.

~~Mr. [unclear]~~  
~~Mr. [unclear]~~

It has been agreed that News Dept. will draw as necessary on the attached Guidance. They will not initiate any comment; nor will they make

make statements on the record  
without consulting us. Anything  
they say will if possible be  
unattributable to begin with  
a they will treat the matter  
gently at first.

But depending on what Mr  
Oram says we may have to be  
fairly robust, later on.

Miss Collings will be in touch  
with me or Mr Hinchcliffe as  
necessary.

Atland  
9/5

Mr Tripp  
Good

Mr Hinchcliffe 9/5

Mr Makinson to see  
you 9/5

EN CLAIR

TOP COPY

KUWAIT TO FOREIGN AND COMMONWEALTH OFFICE

TELNO 164

8 MAY 1969

UNCLASSIFIED

ADDS TO FCO TEL NO 164 OF 8 MAY RFI TO BAGDAD TEHRAN  
BAHRAIN REDY. (75)

KUWAIT TELNO 155 TO FCO .

IRAN /IRAQ .

THE KUWAIT PRESS HAS REPORTED THAT ABBAS MASOUDI , VICE CHAIRMAN  
OF THE IRANIAN SENATE , HAS THIS WEEK BEEN HOLDING TALKS IN KUWAIT  
WITH THE KUWAITI FOREIGN MINISTER , THE KUWAITI AMBASSADOR  
TO IRAN AND THE IRANIAN AMBASSADOR TO KUWAIT ON KUWAITI MEDIATION  
IN THE IRAN - IRAQ CRISIS , AND THAT A REPLY TO THE KUWAITI  
MESSAGE TO IRAQ IS STILL AWAITED .

2. IN A PRESS STATEMENT MASOUDI SAID THAT IRAN WELCOMED KUWAITI  
MEDIATION AND THAT SHE WAS READY TO NEGOTIATE WITH IRAQ PROVIDED  
THAT THE NEGOTIATIONS DID NOT TAKE PLACE UNDER THE 1937

AGREEMENT , WHICH IRAN CONSIDERED NULL AND VOID .

HE REGRETTED TO SAY THAT HIS COUNTRY MIGHT BE OBLIGED TO USE  
FORCE IF IRAQ TRIED TO STOP IRANIAN SHIPS PASSING THROUGH SHATT  
AL - ARAB .

HE HOPED THAT KUWAIT'S GOOD OFFICES WOULD SUCCEED IN ACHIEVING  
A JUST SOLUTION . HIS TALKS WITH THE KUWAITI MINISTER OF FOREIGN  
AFFAIRS WERE DEALING WITH ALL POINTS OF DIFFERENCE , AND  
IRAN WAS WAITING TO SEE TO WHAT EXTENT KUWAIT'S MEDIATION  
WOULD SUCCEED . THE QUESTION OF WHETHER TO SUBMIT THE CASE TO  
THE UNITED NATIONS WAS A MATTER FOR THE SHAH OF IRAN AND THE  
IRANIAN GOVT.

MR. FALLE

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N. EASTERN D.

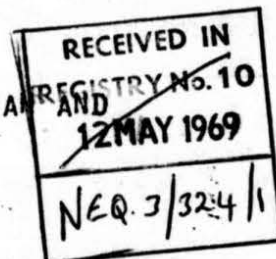
ARABIAN D.

I.P.D.

I.R.D.

NEWS D.

MOD (INTERNAL)



EN CLAIR.

BAGHDAD TO FOREIGN AND COMMONWEALTH OFFICE

TEL NO.443

8 MAY 1969

TOP

103

RECEIVED IN COPY REGISTRY No. 10 12 MAY 1969 NEQ 3/324/1
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ADDSD TO F C O TELNO.443 OF 8 MAY R F I TO TEHRAN, BAHRAIN  
RESIDENCY, KUWAIT, BAHRAIN AGENCY AND SAVING TO DOHA, DUBAI,  
ABU DHABI .  
IRAQ/IRAN .

THE BAGHDAD OBSERVER OF 8 MAY REPEATS THE CHARGE THAT LONDON  
AND WASHINGTON SUPPORTED IRAN'S ABROGATION OF THE 1937 BORDER  
TREATY.

THE PAPER QUOTES REPORTS THAT WHEN THE AMERICAN SECRETARY OF STATE  
AND YOU , SIR, MEET IN TEHRAN AT THE END OF MAY TO DISCUSS CENTO  
AFFAIRS, IRAN WILL REQUEST CONFIRMATION AND AN EXACT TIMETABLE  
FOR BRITISH WITHDRAWAL FROM THE GULF.

THE PAPER CONCLUDES THAT BRITAIN AND THE UNITED STATES ARE PAVING  
THE WAY FOR IRAN TO FILL THE VACUUM IN THE AREA IN ORDER TO PRESERVE  
AMERICAN AND BRITISH INTERESTS THERE AND THWART IRAQ'S DESIRE TO  
SUPPORT THE ARAB PEOPLE.

F C O PASS SAVING TO DOHA, DUBAI AND ABU DHABI .

MR. EVANS

/ REPEATED AS REQUESTED /

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DEFENCE POLICY DEPT  
P.U.S.D.  
NAT. & TREATY DEPT  
S. EUROPEAN DEPT

M.O.D. (INTERNAL)

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104

EN CLAIR

BAGHDAD TO FOREIGN AND COMMONWEALTH OFFICE

TELNO 444

8 MAY 1969

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RECEIVED IN REGISTRY No. 10 12 MAY 1969 NEQ 3/324/1
--

97

MY TELNO . 432 PARAGRAPH 2 .

IRANIANS RESIDENT IN IRAQ .

ALL THE IRAQI NEWSPAPERS TODAY PUBLISH THE STATEMENT OF A MINISTRY OF THE INTERIOR SPOKESMAN IN WHICH HE SAYS THAT THE IRAQI AUTHORITIES HAD BEEN ENFORCING IRAQI LAW AGAINST AN INCREASING NUMBER OF ILLEGAL IRANIAN IMMIGRANTS .

HOWEVER HE ASSURED THOSE IRANIANS LEGALLY RESIDENT IN IRAQ THAT THEY WOULD BE TREATED AS "BROTHERS " AND WOULD NOT BE AFFECTED BY SECURITY ARRANGEMENTS "UNDER ANY CIRCUMSTANCES ".

MR. EVANS

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I.R.D.

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CYPHER/CAT A

PRIORITY BAGHDAD

TO FOREIGN AND COMMONWEALTH OFFICE

TELEGRAM NO. 445

8 MAY 1969.

RECEIVED IN REGISTRY No. 10 12 MAY 1969 NEQ. 3/324/1
---

CONFIDENTIAL

ADDRESSED TO FCO TELNO. 445 OF 8 MAY REPEATED FOR INFORMATION  
TO TEHRAN BAHRAIN RESIDENCY KUWAIT AND SAVING TO WASHINGTON

MY TELNO. 444 OF TODAY'S DATE. IRAN/IRAQ RELATIONS.

WHETHER OR NOT THIS ATTEMPT TO REASSURE IRANIANS RESIDENT  
IN IRAQ IS THE RESULT OF THE INFORMAL SUGGESTION I MADE  
TO THE IRAQI MINISTER OF FOREIGN AFFAIRS ON 5 MAY 97  
AND REPORTED IN PARAGRAPH 2 OF MY TELEGRAM 432,  
IT REPRESENTS AT LEAST SOMETHING OF AN OLIVE BRANCH.  
IT WILL PRESUMABLY NOT ESCAPE ATTENTION IN TEHRAN.  
IS IT TOO MUCH TO HOPE THAT SOME COMPENSATING GESTURE  
WIL COME FROM THAT QUARTER?

FCO PLEASE PASS TO TEHRAN BAHRAIN RESIDENCY KUWAIT AND SAVING  
TO WASHINGTON.

MR. EVANS

[REPEATED AS REQUESTED]

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P.U.S.D.

I.P.D.

I.R.D.

NEWS D.

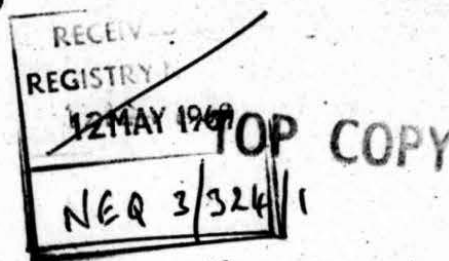
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106

CYPHER CAT/A  
PRIORITY TEHRAN  
TELEGRAM NUMBER 401

CONFIDENTIAL  
TO FOREIGN AND COMMONWEALTH OFFICE  
9 MAY 1969



CONFIDENTIAL

ADDS TO FCO TELNO 401 OF 9 MAY RFI BAGHDAD BAHRAIN RESIDENCY AND KUWAIT. SAVING TO WASHINGTON

(97)  
BAGHDAD TELNO 432 TO FCO PARAGRAPH 4: IRAQ-IRAN RELATIONS.

I DO NOT BELIEVE REPLACEMENT OF IRANIAN CHIEF OF STAFF BETOKENS TOUGHER IRANIAN LINE. ALTHOUGH ARYANA HAD GOOD PERSONAL RELATIONS WITH TAKRITI ALL THE INDICATIONS HERE ARE THAT HE WAS REMOVED BECAUSE OF THE INEFFICIENCY WITH WHICH THE IRANIAN MILITARY FORCES WERE DEPLOYED INTO THE FIELD WHEN THE CRISIS DEVELOPED. I HAVE NO REASON TO BELIEVE THAT HIS VIEWS ON IRAQ DIFFER SIGNIFICANTLY FROM THOSE OF HIS SUCCESSOR, GENERAL DJAM.

FCO PASS ROUTINE BAGHDAD AND SAVING TO WASHINGTON.

SIR D. WRIGHT

/REPEATED AS REQUESTED/

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ARABIAN D.

DEF. POL. D.

P.U.S.D.

OIL D.

U.N.D.

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Reference.....

107

RECEIVED IN  
REGISTRY No. 10  
12 MAY 1969

NEQ 2/324/1

~~Mr. Acland~~

~~Mr. Tripp~~

~~Mr. Arthur~~

5 Shatt al Arab

I attach a copy of the Defence Attache's, Tehran, telegram 409 of 8 May.

2. We already have had indications that the early Iranian ruling about pilots was quickly dropped because of problems of international insurance of ships proceeding in the channel without a trained pilot (at present the only trained pilots are Iraqis). It is now clear that the elaborate deployment of infantry and armoured divisions in South West Iran and to a lesser degree on the Western frontier of Luristan, "produced chaos". It is unlikely in the present circumstances that the Iranians would risk an armed clash which might quickly develop into an engagement of brigade or divisional strength. To that extent the situation has become more favourable.

(D. J. Makinson)  
9 May, 1969.

Copy to: Mr. Hinchcliffe

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# CYPHER

CYPHER/CAT A  
ROUTINE TEHRAN  
TELEGRAM NUMBER FOH 409

TO MOD UK  
080815Z MAY 1969.

Distribution to
✓ H.M.C.D.
✓ Hd. of Defence Policy Dept.
✓ Defence Policy Dept.
✓ Defence Training & Study Dept.
✓ Hd. of P.U.S.D.
✓ P.U.S.D.
✓ Military Staff
✓ <i>Dir. Gen. In</i>
✓ Hd. of Comm. Dept.
✓ Examiners
✓ Evaluation Selectors.
✓ In the Air

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FOLLG FROM BRITDEEAT FOR MODUK RFI HQBFG, NEAF (DEFCONCEN PASS BOTH) BAGHDAD (FCO PASS) AND KUWAIT. FOH 409 080815Z MAY.

IRAN/IRAQ TENSION. REVIEW OF MILITARY SITUATION FROM IRANIAN SIDE AS AT 7 MAY.

1. UNITS OF ALL SERVICES IN THE SHATT AREA WERE TENSED AT THE TIME THE IBN SINA AND ARYA FAR SAILED BUT AS THERE WAS NO INCIDENT TENSION BEGAN TO RELAX. OVER THE PAST END DAYS THE SABRE RATTLING HAS BECOME GRADUALLY FAINTER. ✓

2. RECCE FLIGHTS BY IIAF ALONG THE SHATT HAVE STOPPED BUT NAVY IS STILL DISPERSED AND TROOPS OF FIRST ARMY ARE STILL IN FIELD (I HEAR TROOPS ARE LIKELY TO START RETURNING TO BARRACKS ABOUT 10 MAY). ✓

3. MAIN LESSON SUPREME COMMAND STAFF (SCS) SHOULD HAVE LEARNED IS THAT REHEARSED DEMONSTRATIONS, THOUGH IMPRESSIVE TO SPECTATORS, ARE NO SUBSTITUTE FOR REALISTIC TRAINING. DEPLOYMENT PRODUCED CHAOS AND THERE IS LITTLE DOUBT THAT IT WAS FOR THIS REASON THAT ARYANA WAS RELIEVED AS CHIEF OF THE SCS BY DJAM IN MID-CRISIS (MY FOH 460 TO MODUK ONLY REFERS). OTHER CHANGES INCLUDE REPLACEMENT OF ZARGHAMI AS C IN C OF ARMY BY MINBASHIAN (AT PRESENT FORCE COMMANDER ON THE SHATT FRONT) AND THE SCAPEGOAT DISMISSAL OF COMMANDER OF 92 (PREVIOUS

CHANGES INCLUDE REPLENISHMENT OF ZARGHAMI AS  
C IN C OF ARMY BY MINBASHIAN (AT PRESENT FORCE COMMANDER ON THE  
SHATT FRONT) AND THE SCAPEGOAT DISMISSAL OF COMMANDER OF 92 (PREVIOUS  
8) ARMoured DIVISION WHO WAS CONSIDERED BEST DIVISIONAL COMMANDER IN  
ARMY. I AM TOLD OTHER CHANGES ARE ON THE WAY.

FCO PASS BAGHDAD.

(Repeated as requested)

SENT TO D.

~~JUL 94 11 22 29~~

Si

WRIGHT

SENT AT 080830Z

RECD AT 081007Z

CONFIDENTIAL

108

Reference

Mr. Hinchcliffe (Near Eastern Department, W133)

The 1937 Agreement between Iraq and Iran

When I had lunch with Mr. Blackburn and Major Edmonds to talk about the Kurds I took the opportunity of asking the latter what his recollections were of the negotiations of the 1937 Agreement. Major Edmonds was at that time Adviser to the Iraqi Minister of Interior.

2. Major Edmonds said that he remembered the circumstances very well and he was indeed involved. There had been no question of trying to impose an Agreement on the Iranians. Indeed we had favoured the establishment of a tripartite Conservancy Board which would have given the Iranians de facto control of the waterway, although technically Iraq would have had sovereignty over the Shatt al Arab with the exception of the anchorages at Khorramshahr (based on the Median line) and at Abadan (based on the Thalweg). We had been conscious throughout of the need for good relations between the two countries.

3. Furthermore Major Edmonds said that he remembered Nuri Said telling him that he had had an audience with Reza Shah and that the latter had taken a pencil and had drawn an area on the map near Abadan which should go to Iran. Reza Shah had told Nuri that after the Iranians got that, they would be perfectly content to settle the matter.

*A. A. Acland*

(A. A. Acland)  
Near Eastern Department  
10 May, 1969

Copy to:

Mr. A. Paul (Middle East Section, Research Dept.)  
Mr. D. J. Makinson, (Near Eastern Department)

*Reg & M.*

*PMH*

*12/5*

CONFIDENTIAL

RECEIVED IN  
REGISTRY No. 10  
12 MAY 1969

NEQ 3/3241

(together with the  
Iraqis' counsel)

CONFIDENTIAL

109

Reference RECEIVED IN  
REGISTRY No. 10  
13 MAY 1969  
NEQ 3/324/1

Mr. Hinchcliffe. (NED)

I attach herewith a short note on the document referred to in Tehran's telegram 389 of May 6.

*A. Paul*

A. Paul.  
Middle East Section  
Research Department.

9 May, 1969.

*Mr. Acland* <sup>13/5</sup>  
*Mr. Mahoney* <sup>12/5</sup>

Research Department's investigation into Document E 11 83/32/34 of 19 Feb, 1935 attached. We await with interest further Persian 'disclosures'.

CONFIDENTIAL

*PA*

*P. H. H. H.*

12/5/69

CONFIDENTIAL

The Perso-Iraqi Frontier Dispute

The Prime Minister's Intervention (FO Minute 1183/32/34 of  
19 February, 1935).

The document to which the Iranian Ministry of Foreign Affairs refers (Tehran Tel. 389 of 6 May, 1969) is a Foreign Office minute, the full text of which is attached herewith. It is largely self-explanatory.

2. The telegram (No. 41 of 15 February, 1935) on which the Prime Minister had written his query was from H.M. Ambassador in Baghdad reporting Nuri Pasha's complaints about the behaviour of the Italian rapporteur, Baron Aloisi, and his request that HMG should assist in securing a fair hearing for the Iraqi case at the League of Nations and the Hague Court.

3. The draft letter to Sir Eric Drummond (E.1101) referred to in the minute is again taken up with the improper behaviour of Baron Aloisi, which is summed up in Sir Robert Vansittart's final paragraph:

"The Italian handling of the whole affair has of course been quite deplorable, and showed the Italian Government at their very worst. I can only hope that when the dispute is taken back to Geneva some means may be found of putting an end to these extremely unsavoury Italian intrigues, and of getting the dispute back to a proper basis".

Middle East Section,  
Research Department.

9 May, 1969.

CONFIDENTIAL

PERSO-IRAQI FRONTIER DISPUTE.

Mr. Neville Butler rang up this morning to say that the Prime Minister had written on his white copy of Bagdad telegram No.41 of the 15th February the following minute:

"Are we sure that we are doing our best to keep Persia?"

Mr. Butler explained that he understood that what the Prime Minister meant was that we were in danger of unnecessarily landing ourselves in a serious quarrel with Persia in the Iraqi interest. I explained (as in the draft to Sir E.Drummond on E.1101) that we were only intervening in this dispute at the present stage in defence of our own interests, which were threatened by the most improper action of the Italian rapporteur in ~~abandoning~~ the main issue and apparently concentrating on securing advantages in the Shatt for Italy. I did not think that we could do anything to improve the position between ourselves and Persia on this issue at the present stage, but I did not think that it need necessarily lead to any increased ill-feeling between Persia and ~~ourselves~~. Our relations with Persia ~~have~~ as a matter of fact become rather better during the last few months.

signed. G.W.Rendell.

19th February, 1935.

EN CLAIR

ROUTINE UKMIS NEW YORK TO FOREIGN AND COMMONWEALTH OFFICE  
TELEGRAM NO. 918

12 MAY 1969

UNCLASSIFIED

ADDRESSED TO F.C.O. TELEGRAM NO. 918 OF 12 MAY REPEATED FOR  
INFORMATION TO TEHRAN, BAGHDAD, JEDDA, KUWAIT, BAHRAIN RESIDENCY,  
WASHINGTON AND SAVING TO CAIRO, PARIS, MOSCOW AND TEL AVIV,  
MY TELEGRAM NO. 852: SHATT AL-ARAB.

THE PERMANENT REPRESENTATIVE OF IRAN HAS ADDRESSED A SECOND  
LETTER TO THE PRESIDENT OF THE SECURITY COUNCIL (DOCUMENT S/9200  
OF 9 MAY, COPIES BY AIR BAG), TO INFORM HIM OF "OTHER ASPECTS"  
OF THE LATEST PHASE OF THE DISPUTE.

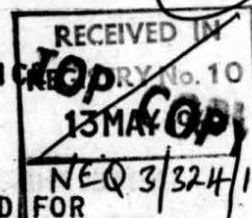
2. EXTRACTS FROM THE LETTER ARE AS FOLLOWS:

QUOTE ON 15 APRIL, 1969, THE UNDER-SECRETARY FOR FOREIGN  
AFFAIRS OF THE GOVERNMENT OF IRAQ, AT A MEETING HELD IN BAGHDAD  
WITH HIS IMPERIAL MAJESTY'S AMBASSADOR, WHILE ASSERTING SOLE AND  
EXCLUSIVE RIGHTS OVER SHATT AL-ARAB, DEMANDED THAT IRANIAN SHIPS  
SAILING THE RIVER SHOULD LOWER THEIR FLAGS WHILE IN THOSE WATERS.  
MOREOVER, HE ALSO DEMANDED THAT IRAN WITHDRAW IRANIAN NAVAL  
PERSONNEL ON BOARD SUCH BOATS. FAILING COMPLIANCE, HE  
THREATENED THAT THE IRAQI GOVERNMENT WILL FORCIBLY EJECT SUCH  
INDIVIDUALS AND LOWER THE IRANIAN FLAG AND, IN FUTURE, WILL NOT  
ALLOW ANY BOAT SAILING TOWARDS IRANIAN PORTS TO ENTER IN SHATT  
AL-ARAB.

IN EFFECT, THIS CONSTITUTED NOT ONLY A THREAT BUT ALSO A  
DEMAND FOR SURRENDER BY IRAN OF ITS SOVEREIGN RIGHTS IN SHATT  
AL-ARAB. UNQUOTE

QUOTE IT IS WITH GREAT REGRET THAT I AM OBLIGED TO INFORM  
YOU ALSO OF THE ALARM CAUSED MY GOVERNMENT AND THE PUBLIC OPINION  
OF MY COUNTRY BY THE INDEFENSIBLE MEASURES OF HARASSMENT AND MASS  
EXPULSION, MASS ARREST AND TORTURE TAKEN AGAINST IRANIAN NATIONALS  
IN IRAQ AND AGAINST IRANIAN PILGRIMS TO THE HOLY SHRINES AT  
KARBAL AND ELSEWHERE IN IRAQ. UNQUOTE

/QUOTE



QUOTE THE PERSISTENT REFUSAL BY THE GOVERNMENT OF IRAQ FOR THE LAST THIRTY-TWO YEARS TO CARRY OUT ITS TREATY OBLIGATIONS IN GOOD FAITH, UNDER ARTICLES 4 AND 5 OF THE TREATY AND ARTICLE 2 OF ITS ATTACHED PROTOCOL, HAS LED TO A SITUATION RESULTING IN THE ABROGATION OF THE TREATY IN ITS ENTIRETY. THE RESPONSIBILITY FOR THE ABROGATION OF THE TREATY, THEREFORE, RESTS SOLELY AND EXCLUSIVELY WITH THE GOVERNMENT OF IRAQ. UNQUOTE

QUOTE ON THIS OCCASION, I MUST REVERT TO THE TREATY OF 1937 ON WHICH THE GOVERNMENT OF IRAQ PURPORTS TO RELY IN SUPPORT OF ITS ILLEGAL CONDUCT. AS IS READILY EVIDENT FROM A READING OF THAT DOCUMENT, ITS PRINCIPAL OBJECT WAS TO PERPETUATE THE CONTROL BY THE BRITISH ADMIRALTY OF THE WATERS OF THE PERSIAN GULF AND THE SHATT AL-ARAB. THIS COULD ONLY BE ACCOMPLISHED BY RIDING ROUGH-SHOD OVER THE IMMEMORIAL RIGHTS OF IRAN. BUT EVEN A COLONIAL POWER WAS NOT SO BRAZEN AS TO SEEK ALTOGETHER TO FLY IN THE FACE OF WHAT EQUITY, TO SAY NOTHING OF LAW AND HISTORY, REQUIRED. THE ACKNOWLEDGEMENT OF THAT JUSTICE REQUIRED RECOGNITION OF IRAN'S RIGHT TO A FREE AND UNFETTERED USE OF THE SHATT AL-ARAB WAS CONTAINED IN ARTICLES 4 AND 5 OF THE TREATY AND IN CLAUSES II, III AND IV OF THE PROTOCOL ANNEXED TO IT.....

WITH THE END OF COLONIAL DOMINATION IN THE AREA WHICH THE TREATY WAS DESIGNED TO ASSURE, THE PURPOSE OF THE TREATY HAS LAPSED, AND IT IS NO LONGER EXPRESSIVE OF THE SITUATION WHICH NOW OBTAINS THERE. UNQUOTE

QUOTE WE ARE PREPARED TO CONCLUDE, IMMEDIATELY, A NEW TREATY WITH IRAQ UNDER WHICH THE SOVEREIGN RIGHTS OF BOTH NATIONS WOULD BE SAFEGUARDED IN SHATT AL-ARAB IN ACCORDANCE WITH ESTABLISHED RULES OF INTERNATIONAL LAW AND JUSTICE. UNQUOTE  
F.C.O. PASS TEHRAN, BAGHDAD, JEDDA, KUWAIT, BAHRAIN RESIDENCY  
AND SAVING CAIRO, PARIS, MOSCOW AND TEL AVIV.  
LORD CARADON

[REPEATED AS REQUESTED]

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UNITED NATIONS  
SECURITY  
COUNCIL

RECEIVED IN  
REGISTRY No. 10  
19 MAY 1969

NEQ  
3/324/1



Mr. Mykinn  
Lt. Hinchcliffe  
Reg NEQ  
Distr.  
GENERAL

19/5  
S

S/9200  
9 May 1969

ORIGINAL: ENGLISH

LETTER DATED 9 MAY 1969 FROM THE PERMANENT REPRESENTATIVE OF IRAN  
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to the letter of 1 May 1969 in which I drew your attention to the grave situation which of its own making the Government of Iraq has precipitated, and also to the situation created by Iraq through thirty-two years of persistent refusal to carry out its Treaty obligations leading to the abrogation of the 1937 Treaty in its entirety, I have the honour to inform you of certain other aspects of the matter. At that time I sought to lay bare the policy of threats, intimidation and vilification against my Government which the Government of Iraq has resorted to in its attempts to deny Iran its sovereign rights in Shatt-al-Arab.

On 15 April 1969, the Under-Secretary for Foreign Affairs of the Government of Iraq, at a meeting held in Baghdad with His Imperial Majesty's Ambassador, while asserting sole and exclusive rights over Shatt-al-Arab, demanded that Iranian ships sailing the river should lower their flags while in those waters. Moreover, he also demanded that Iran withdraw Iranian naval personnel on board such boats. Failing compliance, he threatened that the Iraqi Government will forcibly eject such individuals and lower the Iranian flag and, in future, will not allow any boat sailing towards Iranian ports to enter in Shatt-al-Arab.

In effect, this constituted not only a threat but also a demand for surrender by Iran of its sovereign rights in Shatt-al-Arab. It goes without saying that no sovereign and independent Government would countenance such threats and could permit its sovereignty to be thus impaired. As was made clear in the statement of 19 April 1969, by the Deputy Foreign Minister of Iran, referred to in my earlier letter, we shall not be intimidated by such threats of force, nor shall we permit anyone to dishonour our flag. It must be made abundantly clear that we shall spare no effort to safeguard our sovereign rights and national dignity in accordance with the Charter of the United Nations. The measures which my Government has so far taken to enable its commercial and all other vessels to resist the unlawful and

vexatious acts of interference with them by the Iraqi authorities are a minimum exercise of its sovereignty, and indicate the restraint which we continue to show in the face of persistent Iraqi encroachments on Iranian rights.

The complaint of the Iraqi Representative concerning the stationing of Iranian troops on the border with his country is, as usual, less than candid. The measures we had to take in that respect were a response to threatening military movements by his Government. As soon as they recall their troops, ours will be withdrawn and returned to their barracks.

It is with great regret that I am obliged to inform you also of the alarm caused my Government and the public opinion of my country by the indefensible measures of harassment and mass expulsion, mass arrest and torture taken against Iranian nationals in Iraq and against Iranian pilgrims to the holy shrines at Karbala and elsewhere in Iraq. Coming so soon after the Government of Iraq approved the Teheran Declaration on Human Rights there measures taken against innocent and defenseless people as a means of bringing pressure on my Government are a further and most unhappy evidence of the irresponsible attitude of the Government of Iraq to the obligations solemnly undertaken. In this connexion, I shall be glad to make available to the members of the Security Council information setting forth in details the inhuman treatment of Iranian nationals in Iraq.

As also pointed out in my previous letter, by its action and attitude having set aside a sine qua non part of the Treaty provisions, the Government of Iraq has, in effect, rendered meaningless and null and void the Treaty in its entirety. The persistent refusal by the Government of Iraq for the last thirty-two years to carry out its Treaty obligations in good faith, under articles 4 and 5 of the Treaty and article 2 of its attached Protocol, has led to a situation resulting in the abrogation of the Treaty in its entirety. The responsibility for the abrogation of the Treaty, therefore, rests solely and exclusively with the Government of Iraq.

The attitude of the Government of Iraq as the beneficiary of a colonial régime is easy to understand, but it is far from being statesmanlike, far-sighted and realistic. Does the Government of Iraq wish to continue to close its eyes to all the good work that through international co-operation and conferences, since the early part of the nineteenth century, has gone into preparation of rules and

/...

regulations governing the rights and duties of riparian States and the régime of navigable rivers bordering on two or more States? Does the Government of Iraq, in all seriousness, entertain the notion that the Government of Iran would allow the waters of Shatt-al-Arab, more than half of which originate from sources in Iran, to fall within the sole and exclusive dominion of Iraq? We have no designs on other people's legitimate rights, but at the same time we shall not allow our sovereign rights on a river which runs along our shores to be tampered with.

Looking at the problem from another aspect, it must be pointed out that we can no longer permit the injustices inherited from a situation imposed by colonialism to continue to deprive us from our sovereign rights.

In this occasion, I must revert to the Treaty of 1937 on which the Government of Iraq purports to rely in support of its illegal conduct. As is readily evident from a reading of that document, its principal object was to perpetuate the control by the British Admiralty of the waters of the Persian Gulf and the Shatt-al-Arab. This could only be accomplished by riding rough-shod over the immemorial rights of Iran. But even a colonial Power was not so brazen as to seek altogether to fly in the face of what equity, to say nothing of law and history, required. The acknowledgement of that justice required recognition of Iran's right to a free and unfettered use of the Shatt-al-Arab was contained in articles 4 and 5 of the Treaty and in clauses II, III, and IV of the Protocol annexed to it. As I have already explained the measures required to implement those provisions have not been taken because of the evasions and obduracy of the Government of Iraq.

With the end of colonial domination in the area which the Treaty was designed to assure, the purpose of the Treaty has lapsed, and it is no longer expressive of the situation which now obtains there. The Government of Iran can not agree that Iraq is to be regarded as standing in the shoes of its former colonial master, nor that the advantages of the new freedom from past burdens can accrue solely to Iraq while Iran continues to bear them. It can never accept a treaty in which one side appropriates all the advantages assigned to it, while refusing to acknowledge those which accrue to the other side.

In conclusion, I should like to reiterate that while we shall remain steadfast in the face of any encroachments against our inalienable rights, we also

/...

stand by the offer we have made in good faith to the Iraqi Government. We are prepared to conclude, immediately, a new treaty with Iraq under which the sovereign rights of both nations would be safeguarded in Shatt-al-Arab in accordance with established rules of international law and justice. In this way, it is our earnest hope that a major obstacle to the good neighbourly relations between our two countries would be removed once and for all, thus paving the way for making the waters of Shatt-al-Arab serve the interest of both countries for the common good.

I request that this letter be circulated as an official document of the Security Council.

Accept, etc.

(Signed) Mehdi VAKIL  
Ambassador and Permanent Representative  
of Iran to the United Nations

---

NEQ 3/324/1

Kayhan Extract. 12.5.69.

## IRAQI SHIP

## TO FLY

## IRANIAN

## COLOURS

## IN SHATT

AN Iraqi cargo vessel is scheduled to leave Khorramshahr this morning flying the Iranian flag through the disputed Shatt-al-Arab frontier river, "Kayhan" reporters called from Abadan yesterday.

The ship, "14th of Ramadan," will carry a cargo of Iranian manufactured goods to Persian Gulf states on a regular commercial route. It will be piloted by Iranian personnel right up to Basra, where the tanker line di-

(Contd. on page 3 Col. 5)

## Iraqi

(Continued from page 1)

vides the Shatt between Iran and Iraq. From there on, the captain will have a choice of Iranian or Iraqi pilots.

Meanwhile, several Japanese and Greek cargo vessels left Khorramshahr for the Persian Gulf yesterday flying Iranian colours and

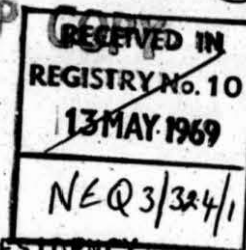
piloted by Iranian personnel. Five foreign cargo vessels are also scheduled to enter the Shatt today under the Iranian flag.

In other developments, reports from Ahwaz said that two Iranian families expelled from Basra had been resettled in the Khuzestani capital on the orders of Governor-General Abbas Salur. They were the first Iranians resident in Iraq to be expelled.

CYPHER/CAT A

PRIORITY TEHRAN TO FOREIGN AND COMMONWEALTH OFFICE

TELNO 412 12 MAY, 1969



CONFIDENTIAL

ADSD TO FCO TELNO 412 OF 12 MAY RFI BAGHDAD BAHRAIN RESIDENCY  
KUWAIT AND WASHINGTON

BAGHDAD TELNO 445: IRAN/IRAQ RELATIONS

I THINK THE IRANIANS ARE AT A LOSS ON WHAT TO DO NEXT. THEY ARE NOT LIKELY TO MAKE ANY SPECIFIC GESTURE IN THE NEAR FUTURE BUT I WOULD EXPECT THEIR PROPAGANDA GRADUALLY TO BECOME LESS STRIDENT. THERE ARE ALREADY INDICATIONS THAT THE MILITARY SITUATION ALONG THE FRONTIER IS MORE RELAXED WITH SOME WITHDRAWALS TO BASES.

2. WHEN I SPOKE TO THE ACTING FOREIGN MINISTER ON 11 MAY HE CLEARLY HAD NO NEW IDEAS. HE SAID HE THOUGHT AN EARLY SOLUTION WOULD BE DIFFICULT, GIVEN THE PRESENT WEAKNESS OF THE GOVERNEMENT IN BAGHDAD. I AGREED THAT UNTIL THERE WAS A STRONG GOVERNMENT IN BAGHDAD IT WOULD BE DIFFICULT TO REACH AGREEMENT ALONG THE LINES WANTED BY THE IRANIANS. WHEN THERE WAS, I ASSUMED THAT A DEAL MIGHT BE POSSIBLE IF THE IRANIANS UNDERTOOK TO GIVE UP THEIR SUPPORT FOR THE KURDS.

3. I THEN MENTIONED TO AFSHAR THE RECENT IRANIAN PROPAGANDA AGAINST H M G'S PAST ACTIONS IN SUPPORTING IRAQ AND SAID THAT, HAVING BEEN THROUGH A MASS OF PAPERS ON THE SUBJECT, IT WOULD NOT WORRY ME IF THE WHOLE LOT WERE PUBLISHED SINCE OUR ACTIONS HAD BEEN PERFECTLY PROPER. THE ESSENTIAL POINT IN IRAN'S FAVOUR, WHICH DID NOT TOUCH BRITISH ACTIONS OR POLICIES, WAS THAT BASRA HAD PREVIOUSLY BEEN THE ONLY PORT OF IMPORTANCE ON THE SHATT, AND NOW THAT ABADAN AND KHORRAMSHAHR HAD DEVELOPED AS MAJOR PORTS THE SITUATION HAD CHANGED. AFSHAR REPLIED THAT THE IRANIAN GOVERNMENT HAD BEEN AT PAINS TO POINT OUT TO THE PRESS THAT THEY WERE CRITICISING BRITAIN'S PAST ACTIONS, FROM THE IMPERIAL ERA, AND NOT H M G'S PRESENT POLICIES.

FCO PASS PRIORITY BAGHDAD AND WASHINGTON.

SIR D. WRIGHT

[REPEATED AS REQUESTED]

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NEWS DEPT.

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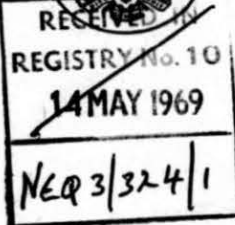
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15/5



BRITISH HIGH COMMISSION,

RAWALPINDI.

6 May, 1969.

I 3/4

*John Tudy.*

Iran/Iraq dispute over Shatt-el-Arab

As you will know from our despatch of 4 July last year on Pakistan's relations with the Middle East, the Pakistanis pay a great deal of attention to their relations with Middle East countries and strive to maintain good relations with all countries in the area. This policy, of course, requires walking the tight-rope between the more conservative Middle East states (e.g. Jordan, Saudi Arabia, Lebanon) and the more progressive states (e.g. Egypt, Algeria, Syria and Iraq). Side by side, the very important problem for Pakistan of maintaining close relations with Iran, its R.C.D. partner, and it is this that has made the Ministry of Foreign Affairs particularly interested in developments in the Persian Gulf following our withdrawal in 1971.

2. The crisis which has now arisen in the Iran/Iraq relations is therefore very worrying to the Ministry and it was thus no surprise that on 27 April an official spokesman announced that Pakistan would like the border's dispute between Iran/Iraq to be resolved amicably and had noted with relief that the danger of a clash between the Muslim countries had receded. I enclose a copy of an editorial in the Karachi Morning News on Wednesday 30 April which illustrates very well the views of the Government.

3. However, it looks as if Pakistan's hopes that the problem will go away are likely to be disappointed and the Iraqi and the Iranian Embassy have both issued statements on the Shatt issue which appear to have been published in full over the weekend. I enclose copies of each press cutting from which you will see that the Iranian case seeks to saddle the United Kingdom for responsibility for the inadequate weight given to Iran's claims in 1937 when the present treaty was drawn up. I think we shall need some material to counter the development of the thesis that we are responsible for once again sowing the seeds of discord between two Muslim states and would be grateful for a short note on the background to the 1937 treaty. It is reassuring to note that the Iraqi Embassy here has laid stress on the fact that Iraq was a fully independent sovereign state in 1937 and I shall take an early opportunity of remonstrating with my Iranian colleagues about their attempt to blame us for the breakdown of a treaty which has been in existence for 32 years.

4. I am sending a copy of this letter to Chancery in Tehran and Baghdad.

Action Taken on

Para 3

rec 123

*Yours ever,*

*John Tudy.*

Miss J. M. Walker,  
South Asian Department,  
Foreign & Commonwealth Office, S.W.1.

(D. M. March)

S.A.P. L.W. on return (9/6) P.M.M. 28/3

*Neon Eastern  
Dept.*

TALKS WITH  
IRAN

## Iraq's terms

DAMASCUS, May 2: Iraq said last night it would negotiate a settlement with Iran over the Shatt-el-Arab river dispute only when Iran called off measures which "sparked current tension" over the waterway, reports APA.

The Iraqi Foreign Ministry demands that Iran withdraw her abrogation last month of the 1937 treaty with Iraq regulating navigation rights on the Shatt-el-Arab.

In a statement broadcast by Baghdad Radio, a Ministry spokesman demanded that the Iranian troop buildup along Iraq's south-eastern border be called off as well as Iran's alleged unilateral measures concerning ships sailing on the Shatt-el-Arab.

The spokesman referred to measures taken by Iran in sending ships cruising in the waterway under escort of Iranian Air Force planes and gunboats.

## JOINT COMMISSION

"When conditions in Shatt-el-Arab return to the state which existed before Iran's abrogation of the 1937 treaty, Iraq would be willing to talk over the dispute within the framework of an Iraqi-Iranian joint border commission," the spokesman added.

He was answering a recent Iranian announcement of willingness to negotiate a peaceful settlement over the river. "Unless normal conditions are restored in the area," the spokesman said, Iran would be responsible for legal and other consequences.

Earlier, the President of Iraq, Marshal Ahmed Hassan al-Bakr, described Iran's measures without mentioning her by name as "designs to distract the Iraqi army from fighting on the Arab fronts along the cease-fire lines with Israel."

## EMBASSY VIEWPOINT

APP from Islamabad adds:

Iraqi Embassy sources have asserted that Iraq wanted to solve its differences with Iran peacefully and in accordance with the Charter of the United Nations, the principles of international law and the Treaty of 1937.

They said the 1937 Treaty with Iran was based on documents binding the two countries, namely, the Istanbul Protocol of 1913 and the Minutes of the Frontier Board Committee of 1914.

The Treaty, they added, was ratified in accordance with constitutional procedures of the two countries and this was followed by the exchange of ratification documents.

(Following certain reported incidents in March last, Iran has revoked the Treaty on the ground that it was unequal as it was imposed on it by a powerful British Government. Iran also complains that even the terms of this "unequal" Treaty had not been observed).

## BACKGROUND

The Iraqi sources pointed

the 1937 treaty with Iraq regulating navigation rights on the Shatt-el-Arab.

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#### JOINT COMMISSION

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#### BACKGROUND

The Iraqi sources pointed out that the Treaty was signed on July 5, 1937, when Iraq was a fully independent and sovereign state. Three days later, these sources said, Iraq, Iran, Turkey and Afghanistan had signed the Saadabad Pact.

These sources said Iraq desired to continue and strengthen its relations with the "friendly Government and people of Iran on the basis of common interest of both nations and the religious and historic ties and friendly neighborhood binding them."

"Needless to say that Iraq as well as the rest of Arab world are engaged at present in a battle of destiny with Israel, the treacherous enemy of Islam, which takes great satisfaction in any differences that may arise between the Muslim countries," they added.—APA APP.

KARACHI, WEDNESDAY, APRIL 30, 1969

SAFAR 12, 1389

## Storm In The Shatt-el-Arab

**T**HE Foreign Office has done well to voice the hope of Pakistanis everywhere that the current dispute between Iran and Iraq over the Shatt-el-Arab will be settled amicably. This is essential for the unity and well-being of the Muslim world. The waterway formed by the confluence of the river Tigris and Euphrates is of vital interest to both states. For Iraq it is the only access to the country's principal port, Basra. For Iran the Shatt-el-Arab is the key roadway to the oil port of Abadan and the vital commercial centre of Khorramshah. Relations between the two Muslim countries plummeted recently over the interpretation of the provisions of the 1937 Treaty which governed navigation in the Shatt-el-Arab. Claiming violation of the Treaty, the Iranian Government on April 19 declared the

agreement null and void. The Iraqi Government, on the other hand, considered it still binding on both countries and sought implementation according to its interpretation of the Treaty. In the crisis that followed there was a very real danger of a clash between the two countries. Mercifully this has been averted by prudence and statesmanship. The Iranian Government has now called for fresh talks on the subject on the basis of the Talweg Line concerning navigational rights in the waterway. It is not yet known what the Iraqi reaction will be, but friends of both countries will ardently hope that sincerity and goodwill will prevail and that an amicable settlement will be arrived at without further ado. Differences in the Muslim world can only serve the purpose of its enemies.

fa MUA  
28/5

## SHATT ISSUE: IRAN'S STAND

The following statement was issued by the Iranian Embassy in Pakistan on Shattal Arab issue:

The Shatt is the only river in the world which the border line instead of being the median line, or the Thalweg, is located on the Iranian river side. It is a unique situation which defies justice, fairness and logic. How such a situation could arise but for the power relationship existing in 1937, would be difficult to explain, Iraq being at that time protected by Great Britain which was then at the zenith of her power.

Articles 4 and 5 and article 2 of the protocol thereof provide that the ships traffic on the waterway should be administered jointly by the two Governments. It is also stipulated that the revenues derived from shipping should be spent on improvement of the navigation conditions on the Shatt and that a report should be submitted every six months to the Iranian Government by the concerned Iraqi authorities. Only once was the report submitted (in 1948). Since then, despite constant reminders from Iran this obligation has not been fulfilled. The Iraqi authorities have never accepted to share the administration of shipping on the waterway as stipulated in the treaty.

The Government of Iraq insists on enforcing the principle "pacta sunt servanda" while in fact they have violated the treaty since its inception. Despite constant protests from the Iranian Government they have never shown any readiness to discuss the revision of the treaty.

It is unrealistic to say that in 1937 Iraq was a fully independent and sovereign State. In fact, if not in theory, the paramount power in Iraq, and continued as such for many years afterwards.

### NEGOTIATIONS

For a long time Iran kept on requesting the opening of negotiations for a revision of the treaty according to international laws, justice and logic. Despite all her efforts, Iran has not been able to make Iraq agree.

A treaty is always concluded in a certain situation, and in accordance with the conditions prevailing at the time of its conclusion. It would seem logical that when the conditions change, the treaty should be revised according to these new circumstances. This principle, which is so obvious and logical, is known in international law under the expression "Re-

The Government of Iraq insists on enforcing the principle "pacta sunt servanda" while in fact they have violated the treaty since its inception. Despite constant protests from the Iranian Government they have never shown any readiness to discuss the revision of the treaty.

It is unrealistic to say that in 1937 Iraq was a fully independent and sovereign State.

It was not so. The British were in fact, if not in theory, the paramount power in Iraq, and continued as such for many years afterwards.

#### NEGOTIATIONS

For a long time Iran kept on requesting the opening of negotiations for a revision of the treaty according to international laws, justice and logic. Despite all her efforts, Iran has not been able to make Iraq agree.

A treaty is always concluded in a certain situation, and in accordance with the conditions prevailing at the time of its conclusion. It would seem logical that when the conditions change, the treaty should be revised according to these new circumstances. This principle, which is so obvious and logical, is known in international law under the expression "Rebus sic stantibus". The main condition prevailing at the time of the signature of the treaty was the power relationship between Iran and Great Britain which, as mentioned above, is the only explanation for the strange location of the borderline.

Finally, it is darkly insinuated that Iran's action was so timed as to divert Iraqi forces from the task of defending their country against Israeli aggression.

#### HELP TO ARABS

Public opinion in Pakistan is well aware that Iran has consistently taken the side of Arab countries, condemning unequivocally Israeli aggression, demanding the evacuation of territories occupied by the Israelis, and side by side with other Muslim countries, has made all possible efforts to help the cause of the Arab (not to speak of the considerable material help given to Jordan, for instance). The truth is that the present crisis has arisen by the vexatious measures adopted by Iraqi authorities against the ships bound towards Iranian ports: Iraq insisting to inspect the cargo of these ships, including the Iranian ones, or trying to force such ships to fly the Iraqi flag on these waters.

It seems absurd that at the time when Arab countries are engaged in a mortal struggle, Iraq should provoke a crisis by demands which could not be accepted by any self respecting independent country. There is no need to say that while Iran will stand on her rights in the strongest possible manner, she is ready to negotiate in a peaceful way a revision of the treaty of 1937 which is unjust and unfair and has not been implemented by Iraq for 30 years.

UNCLASSIFIED

3/7

P.R.M.Hinchcliffe, Esq  
Near Eastern Department,  
F.C.O.



113

*With the compliments of*

M.K.Jenner

RECEIVED IN REGISTRY No. 10 14 MAY 1969 NEQ 3/324/1
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*13/5*  
*Mr Malan*  
*then reg*  
*L P.A.*

BRITISH EMBASSY

BAGHDAD

9 May, 1969.

*PRIMA*

*13/5*

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ADVANCE COPY

1. H.E.

2. H.E. *HC*

3. C.C.

4.

**Transmission.**

No. 6614/6614/A.

Ministry of Foreign Affairs,  
Political Department.

Dated, 29 April, 1969



Collected from Guards  
desk a.m. 7/5/69

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The Ministry of Foreign Affairs of the Republic of Iraq presents its compliments to the Diplomatic Corps accredited to the Republic of Iraq and, in continuation of the Ministry's Note No. 6614/6614/A of 27 April, 1969, has the honour to enclose herewith the text of Note No. 6614/6614/A of 28 April, 1969, about the naval, air and land military concentrations by Iraq along the frontier lines between Iraq and Iran carried out consequent on the announcement by the Iranian Deputy Minister for Foreign Affairs in the Senate on 19 April, 1969, of the amendment by it of the Frontier Treaty concluded between Iraq and Iran in 1937, and the use by Iran of a part of these military concentrations to agitate upon the sovereignty of Iraq in Shatt-el-Arab which is a national river and an integral part of the region of Iraq, a fact confirmed by historical events and the Frontier Treaty of 1937 concluded between Iraq and Iran and the Agreements and Protocols which preceded it.

In acquainting the esteemed Diplomatic Corps of this fact, the Ministry avails itself of this opportunity to express its highest consideration and esteem.

Her Britannic Majesty's Embassy,  
Baghdad.

**Memorandum**

**No. 664/664/4.**

**Ministry of Foreign Affairs,  
Political Department,**

**Dated, 26 April, 1969.**



The Ministry of Foreign Affairs of the Republic of Iraq presents its compliments to the Imperial Iranian Embassy, Baghdad, and, in continuation of the Ministry's Note No. 664/664/4/2535 of 26 April, 1969, has the honour to inform the Embassy that Iranian land, naval and air military concentrations along the frontier line between Iran and Iraq which followed the announcement by the Iranian Deputy Minister for Foreign Affairs made in the Senate on 19 April, 1969, of the unilateral annulment of the Frontier Treaty concluded between the two countries in 1937, which is in force and binding on Iran and Iraq, are considered a dangerous threat to the peace and security of the Republic of Iraq and the unity of its territories. A part of these concentrations was actually employed, and is still being employed, in aggressing upon the sovereignty of Iraq in Shatt-al-Arab, which is an Iraqi national river and an integral part of the region of Iraq in accordance with the Treaty of 1937 and the agreements and protocols which preceded it.

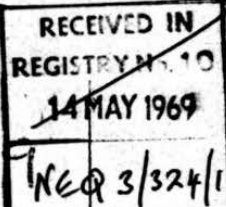
These concentrations constitute a plain violation by the Iranian Government of its international obligations under the United Nations Charter, particularly those contained in paragraph 4 of Article 2 of the Charter the text of which is as follows :-

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations".

In protesting strongly against this threat which is inconsistent with the Charter of the United Nations, international law and the nature of relations between the two countries, the Government of the Republic of Iraq demand the immediate suspension of these acts of threat and provocation and abidance to international covenants, principles of international law and international usage.

The Ministry avails itself of this opportunity to express its highest consideration and esteem,

The Imperial Iranian Embassy,  
Baghdad.



## Letters to the Editor

### STORM IN THE GULF: DISPUTE BETWEEN IRAN AND IRAQ

*From the Ambassador for Iran*

Sir,—It is with great reluctance that I ask you to allow me the hospitality of your columns in order to make a brief comment on the letter from the Ambassador of the Republic of Iraq which appeared in your issue of April 28.

Reluctance because, knowing this long-standing issue as I do, no amount of correspondence in the press will help.

But certain unfortunate misstatements made in the Ambassador's letter need correction and, as he has rightly suggested, the public are entitled to know.

One point of detail in the Iraq Ambassador's letter upon which I feel I must first comment is his reference to the Mission headed by the Iranian Foreign Ministry Under-Secretary which recently visited Baghdad. The Ambassador stated that this "resulted in agreement in different fields of mutual interest between the two countries". This, I must affirm, is incorrect.

Now, may I be permitted briefly to deal with that part of the letter which asks why "at this crucial phase in the Arab struggle against Israel..." Iran chose to abrogate the Treaty of 1937. First, the attitude of Iran towards the Arab-Israel conflict, both inside and outside the United Nations, is too well-known to need any comment. Secondly, Iran did not deliberately choose this particular time to abrogate the Treaty. Years of representation on the part of the Imperial Government of Iran to the Government of Iraq against their violation of the Treaty since its conclusion have gone unheeded. Indeed, on several occasions the Iranian Government warned the Government of Iraq that these continued violations of the Treaty must inevitably render it null and void, the latest occasion being only three months ago.

Nevertheless, the Iranian Government continued to exercise its traditional patience in anticipation of a positive response from the Government of Iraq. Unfortunately, the response took the form of deliberate acts of provocation by Iraqi officials in the Shatt-al-Arab, attempts to interfere with Iranian shipping, disrespect to the Iranian flag, expulsion from Iraq of hundreds of innocent pilgrims and Iranians living in Iraq, and maltreatment of Iranian residents in that country.

The Iranian Government was therefore compelled to take the action of which the Government of Iraq had been given due warning over the past years. The Treaty

was solemnly declared null and void by the Iranian Deputy Foreign Minister at a full session of the Iranian Senate; at the same time announcing the Iranian Government's readiness to conclude a new treaty with Iraq.

Space will not permit me, Sir, to elaborate on the history of the unusual circumstances surrounding the negotiation of the Treaty now null and void. Regarding this aspect of the question, however, a reference to the relevant records of the 1936 period, now open to public, will reveal the influence and behind-the-scenes activity of the British Admiralty of that time and the former Anglo-Iranian Oil Company solely in their own interest and to the detriment of Iran.

Thus, this international river forming for more than 50 miles the boundary between the two countries was given wholly to Iraq, except the stretch in front of Abadan—again for the benefit of the former Anglo-Iranian Oil Company. Nowhere else in the world can be found a similar case of a river as large as the Shatt-al-Arab forming the common frontier between two countries being in the control of only one of the two riparian states. It is also noteworthy that the great portion of this common river is formed by waters flowing from sources in Iran.

Even so, from the conclusion of this Treaty in 1937, the Government of Iraq failed to comply with Articles 4 and 5 of the Treaty and Article 2 of the attached protocol. These articles relate, among other matters, to the joint administration of this international waterway and require the conclusion by Iran and Iraq of a Convention regulating all aspects of its joint control, including revenue and expenditure. Ceaseless efforts of the Iranian Government to persuade the Government of Iraq to conclude this Convention remained ineffective.

These are the reasons which compelled the Imperial Government of Iran finally to abrogate the Treaty. Furthermore, there is also the internationally accepted principle of *rebus sic stantibus* with numerous instances of its application in disputes of this nature.

May I conclude by saying, Sir, that the Government and people of Iran are equally anxious to settle this unhappy dispute with our neighbour Iraq in a peaceful manner.

I have the honour to be, Sir, your obedient servant,

ABBAS ARAM, Ambassador for Iran.  
26 Princes Gate, S.W.7, May 7.

12/11/69  
28/5

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~~SECRET~~

(NEQ 2/2)

NEQ 3/32/1/1

**Mr. Tripp**

**The Shatt al Arab**

NEC2/2

The Embassy in Tehran have informed us (telegram 411 below of 12 May) that the Iranian Delegation would raise the subject of the Shatt al Arab at the CENTO Meeting.

2. We wish to avoid being drawn into this dispute, and although Ministers review the international scene as a whole at their annual meeting, CENTO should concern itself primarily with threats from the U.S.S.R.

3. We may be able to head the Iranians off. In any case it would be useful to forewarn the Secretary General of the line we shall take. I attach a draft telegram to Ankara.

(D. J. Wilkinson)  
12 May, 1969.

Copy to: NEQ/3/324/1  
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Record of Conversation  
Arabian Dept.

(115)

Entered

30 pm

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NBS 3/548/1

Private Secretary

Saudi  
Arabian  
Foreign Minister.

Call by Omar Saeed on the Secretary  
of State, Monday 12 May

RECEIVED IN  
REGISTRY No. 10  
14 MAY 1969  
NEQ 3/324/1

S. of S. 28  
12/5

Shatt al Arab

... I attach as requested short talking points, should  
this matter be raised.

... 2. I also attach a previous background note together  
with a map of the Shatt al Arab.

A.A. Acland

(A.A. Acland)

12 May 1969

Enter & pass

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Pg. 1/15

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SHATT AL ARAB

Talking Points (Defensive)

There is of course an underlying disagreement between Iraq and Iran over the Shatt al Arab, but the recent tension seems to be partly the result of escalation from minor incidents. I think that things are looking rather better now and both sides want to avoid an armed clash. Nevertheless the risks of serious incidents must remain until an understanding can be worked out.

2. We are concerned over the situation since two countries with whom we have relations are involved and since there is a danger of interference with the shipping of third countries. It is very important that other countries should not be dragged into this dispute.

3. (On the chances of Mediation)

We would be interested to hear what you think the possibilities are. There have been suggestions that you or other countries in the region could play a rôle in this. We would certainly welcome it. We are in no position to act ourselves since the Iranians have been accusing us of having imposed the 1937 Agreement on them and the Iraqi press have suggested that we are involved in ~~the~~ "Imperialist" plot to divert their troops from Israel. This seems to be a matter which might well be settled on a regional basis.

4. (If asked about the continuing validity of the 1937 Agreement)

/The Iranians

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The Iranians of course maintain that the Treaty is now invalid because the Iraqis have failed to observe some of its provisions. There is no doubt some truth in this latter fact but on the other hand there is no provision in the Treaty for unilateral abrogation and in the absence of any new Agreement or of a significant change in the circumstances, we feel that we have little alternative but to continue to take account of the provisions of the Agreement in so far as they affect us.

5. (If asked about British involvement in the negotiations of the 1937 Agreement)

We have looked at the documents (which are now in the Public Records Office) about the negotiation of the Agreement. No doubt we made assessments of where our best interests lay at that time. There is however no truth in the allegation that we imposed a settlement. The fact is that the Treaty was negotiated between two sovereign states and both affixed their signatures to it freely:

6. (If asked whether Iranian behaviour over the Shatt al Arab is an indication of what they will do after British withdrawal from the Gulf in 1971).

I do not think that the recent dispute over the Shatt is necessarily connected with our decision to withdraw from the Gulf. There have been similar periods of tension in 1965, 1961 and in the 1950's. We would certainly hope however that the Iranian Government will bear in mind how its attitude over the present dispute will affect the good relations in the area as a whole both now and in the future. We believe that the

/Iranian

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Iranian Government, like your Government, consider stability and good relations to be very important and we hope that they will set the dispute with the Iraqis in this context.

Near Eastern Department

12 May 1969

- 3 -

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116

Near Eastern Department,

11 May, 1969

114

I enclose a cutting from the Times of 13 May which you may already have seen. Your efforts in Tehran and what we have said to Aram here may have had some effect anyhow to the extent that Aram's accusations of British involvement in the 1957 Treaty were made in a relatively minor key. The press has shown no interest in the Ambassador's letter - we were prepared to refute (as gently as possible) these allegations had any journalists sparked on them but in the event no comment was necessary.

(P.R.M. Hinchcliffe)

J.S. Champion, Esq., O.B.E.,  
British Embassy,  
Tehran

C.C. P. McKearney, Esq.,  
British Embassy,  
Baghdad

P. HMM  
2/6

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GYIPHER

OUT TO ANKARA TELNO 548 OF 13/5 CYPHER/CAT A UNIT 10. R.ONG  
OUT TO TEHRAN  
PRIORITY

OUT TO RAWALPINDI  
ROUTINE.

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CYPHER/CAT A  
PRIORITY FOREIGN AND COMMONWEALTH OFFICE.  
TELEGRAM NUMBER 548.

TO ANKARA  
13 MAY 1969.

(117)  
NEC 2/2

(NE)

Copy only to NEQ 3/324/1

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ADDRESSED TO ANKARA TELEGRAM NUMBER 548 OF 13 MAY AND TO TEHRAN  
REPEATED FOR INFORMATION TO WASHINGTON AND RAWALPINDI.

TEHRAN TELEGRAM NUMBER 411: CENTO MINISTERIAL MEETING.

WE DO NOT AGREE THAT SHATT AL ARAB IS AN APPROPRIATE SUBJECT FOR  
THE CENTO ALLIANCE AS SUCH.

2. IF HOWEVER THE IRANIANS RAISE THE MATTER UNDER AGENDA ITEM V,  
EITHER (I) GENERAL OF (II) SOVIET POLICY, ON THE GROUNDS THAT  
DISPUTE IS SOVIET INSPIRED, WE CANNOT STOP THEM. WE DOUBT WHETHER  
A DEBATE WOULD BE AT ALL PROFITABLE, AND FOR OUR PART WE WOULD  
PROPOSE TO LISTEN TO THE IRANIAN CASE AND EXPRESS THE HOPE THAT  
THE MATTER COULD BE SETTLED AMICABLY WITHOUT THIRD PARTIES BEING

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CYPHER/CAT A  
PRIORITY FOREIGN AND COMMONWEALTH OFFICE.  
TELEGRAM NUMBER 548.

TO ANKARA  
13 MAY 1969.

(117)  
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(NE)  
Copy only to NEQ 3/324/1

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REPEATED FOR INFORMATION TO WASHINGTON AND RAWALPINDI.

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A DEBATE WOULD BE AT ALL PROFITABLE, AND FOR OUR PART WE WOULD  
PROPOSE TO LISTEN TO THE IRANIAN CASE AND EXPRESS THE HOPE THAT  
THE MATTER COULD BE SETTLED AMICABLY WITHOUT THIRD PARTIES BEING  
DRAWN IN.

3. YOU MAY, AT YOUR DISCRETION, INFORM THE SECRETARY GENERAL OF  
THE ABOVE. WE WOULD NOT WANT TO RISK GIVING THE IMPRESSION THAT  
WE WERE IN ANY WAY AGAINST THE IRANIANS IN THIS, BUT YOU MIGHT  
SUGGEST THAT HE COULD POINT OUT TO THEM THAT THERE WOULD BE LITTLE  
ADVANTAGE TO THEMSELVES OR ANYONE ELSE IN RAISING THIS MATTER IN  
CENTO.

MR. STEWART.

DEPARTMENTAL DISTRIBUTION  
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S. ASIAN DEPT.  
ARABIAN DEPT.  
U.N. DEPT.  
NEWS DEPT.

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*Pa Palmer*  
*26/5*

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CYPHER/CAT A

PRIORITY AMMAN TO FOREIGN AND COMMONWEALTH OFFICE

TELNO 266 14 MAY 1969

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ADDRESSED TO FOREIGN AND COMMONWEALTH OFFICE TELEGRAM NUMBER 266 OF  
14 MAY REPEATED FOR INFORMATION TO UKMIS NEW YORK, WASHINGTON,  
TEL AVIV, BAGHDAD, TEHRAN, CAIRO SAVING TO BEIRUT.

M.I.P.T. (NOT TO ALL) : IRAQ / IRAN.

WHEN I SAW KING HUSSEIN TO-DAY HE TOLD ME THAT HE HAD FOUND  
NASSER VERY ANGRY WITH IRAQ BOTH FOR HAVING RECOGNISED EAST GERMANY  
(OF WHICH HE HAD HAD NO PRIOR WARNING) AND FOR HAVING ALLOWED  
THE DISPUTE WITH IRAN TO BOIL UP AT THIS TIME.

2...THE KING SAID HE HAD TOLD BOTH PARTIES TO THE DISPUTE HOW  
MUCH HE REGRETTED IT AND HAD OFFERED HIS  
SERVICES IN WORKING FOR A RECONCILIATION. THE IRANIANS HAD  
ACCEPTED IN PRINCIPLE AND SENT HIM A FULL STATEMENT OF THEIR CASE.  
HE HAD NOT YET HEARD FROM BAGHDAD.

F.C.O. PASS PRIORITY UKMIS NEW YORK, WASHINGTON, BAGHDAD,  
TEHRAN, ROUTINE CAIRO SAVING BEIRUT

SIR P. ADAMS

[REPEATED AS REQUESTED]

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British Consulate,  
Khorramshahr.

11 May 1969.

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*largely Shatt el Arab.*

*Dear Michael,*

Irano-Iraqi Relations.

99

Thank you for letting me have a copy of your letter 3/40 of 6 May to Makinson. It is most useful to hear about the moves in Tehran which do not otherwise reach us.

2. There has been some change in the shipping position on the Shatt. The relaxation reported in my letter of 4 May as regards the use of Iraqi pilots did not last long, and it became clear in the early part of the week that the Iranians are still officially sticking to the terms of their ruling of 2 May about changing pilots at Harta Point. With Iraqi pilots unwilling to accept or hand-over ships at Harta Point, again pleading the dangers attached to a hand-over at this point, it looked as though an impasse had been reached on pilotage. After yet more confusion however the Iraqis offered a modus vivendi by saying that they would be prepared to take all ships up to Abul Flus, the anchorage about midway between Khorramshahr and Basra, in undisputed Iraqi waters, to which I referred in paragraph 3 of my letter of 4 May. From there the pilot (or in practice another Iraqi pilot) would bring the ship to the northern limits of the port, there to be taken over by the Iranians. One of the first ships to come up under this procedure, a British vessel which had been delayed several hours at the outer bar while the pilotage position remained in doubt, was the subject of Iranian protest on arrival, but so far as I could gather the Iranians have since tacitly accepted this circumvention of their Harta Point ruling. Certainly it would be difficult to ordain a hand-over point similar to Harta Point north of the port, because the frontier moves away from the river altogether only a mile or so up-stream from Faili Creek, the northern limit of the Khorramshahr mid-stream boundary.

3. Having said this, I have just heard this morning that in the last 24 hours or so there has in fact been yet a further relaxation in that ships coming up river to Khorramshahr are now allowed to come direct to the port with an Iraqi pilot. This is of course a reversion to normal so far as in-bound ships are concerned, but ships south-bound from Khorramshahr are still, at the moment of writing, coming up river to Abul Flus before turning down-stream. This is I suppose a face saving device on the Harta Point ruling which still remains the official instruction. So far as Abadan is concerned the few ships using the port are still coming and going under 'normal' Iraqi pilotage. So the position remains as fluid as the river, and if the shipping agents remain highly confused, one can hardly blame them. But a fairly relevant comment is reported from Basra Port Director, who said at a meeting with shipping agents at the time when the two Iranian ships went down the river under escort "The Iranians are naughty boys throwing stones. We are catching them but not throwing them back."

4. Militarily, there seems some slight evidence to support the report at the end of paragraph 5 of your letter to Makinson. There has been a good deal of convey movement during the week, most of it northwards away from the Abadan/Kesrouabad area. Artillery and A.P.C.s have been seen moving this way, and although the artillery has probably moved to the main laager here in the Abadan Dairy Farm, the A.P.C.s (both American and Russian built) have not been seen at all in the last day or so.

Michael Weston Esq.,  
Tehran.

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5. I was interested to learn of the intrusion at the Iraqi Embassy. The Iraqi Consulate here has been in a state of semi-siege for the last week or so. All visitors, except Consuls, have been pounced upon by SAVAK when leaving the Consulate, questioned as to their reasons for being there, and in some cases detained. There was an incident outside the Consulate when two visiting Iraqi officials were detained after leaving the building and only released after a valuable intervention by the Consul, who later made an official protest to the Governor. One British subject applying for a visa was questioned on leaving the Consulate, but not detained. No restriction has been placed on Waddad Ajjam, the Consul, but although at the beginning of the dispute he was always eager to discuss the situation with his colleagues, he has become remarkably unwilling to talk with anyone in the last few days, even with his next door neighbour the Indian Consul. He has never shown any noticeable enthusiasm for the present Iraqi régime, and the Indian Consul is of the opinion that Ajjam is being closely watched from within by Ba'athist agents on the Consular staff. Ajjam has however been able to subject us to a certain amount of counter-propaganda, and has circulated to Consuls during the week a rather tendentious Iraqi version of the Shatt-al-Arab dispute. This originated in the Iraqi Embassy in Tehran, but in case you have not seen it I enclose a copy.

6. There was a modd of some uncertainty among the local population of Khorramshahr and Abadan earlier this week, which the Iranian authorities seemed to be intent on keeping alive. There have been two practice air raids in the main towns of Khuzestan, the first announced, but the second, at 4 a.m. in the morning, not. The second practice also included sorties by Iranian jet fighters. It was preceded on 6 May by a solemn announcement on Ahwas radio concerning the imposition of martial law in the event of hostilities. I attach a translation of the announcement. At the same time Ahwas announced that all school examinations would be brought forward by several days and the schools closed earlier than planned. In actual fact the examinations are still taking place later than last year. But none of this has helped calm the local nerves. A good many people are planning to send their families to Tehran as soon as possible, although in many cases these moves are merely an advancement of the normal summer migration from the south. I gather incidentally that the main reason for the early closure of schools is to provide barrack accommodation for the troops which of whose present tented accommodation has been washed out by continuing floods, accentuated by a very heavy storm on the night of 6 May.

7. Tension has also been caused by the stepping up of anti-Iranian broadcasts from Baghdad and from Basra T.V. - both avidly followed locally. The latter station has put out some particularly scurrilous programmes about the Iranian Royal Family.

8. My American colleague and some of his parishioners have not been entirely untouched by the local mood. Everts telephoned me in some agitation on having the martial law broadcast brought to his attention, under the impression that a declaration of martial law was imminent. He reported that several Americans had anxiously telephoned asking what to do, and he himself seemed to be on the verge of recommending that we should take some initial action on evacuation. Having checked the broadcast I drew his attention to the first paragraph of the announcement pointing out that it seemed a precautionary measure only, and I would expect martial law to be declared anyway if hostilities broke out locally. In the event we limited our activity to seeking a joint consular corps assurance from the Governor of Khorramshahr that if martial law was imposed Consuls would

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be allowed free communication with their nationals and all possible facilities if evacuation should be considered necessary. The Governor seemed to consider this a reasonable request and promised to get it confirmed by the Governor-General. I received a similar assurance when I made the first call on the new Governor of Abadan.

9. The mood of uncertainty (which seems to have subsided somewhat in the last day or so, with less prominence being given in the press to the dispute) has produced the inevitable crop of bazaar rumours. Two of the most interesting concern the "real" reason for the local concentration of troops. The first rumour (advanced before the Shatt dispute became public, but still prevalent) has it that the troops are to be used for the invasion of Bahrain (and indeed at one stage Bahrain had already been captured), and the second, of more recent origin, maintains that the troops are here to repel aggression against the refinery (by the British?) and, following the failure of the oil talks with the Consortium, Oil Company installations be taken over by the Iranians.

*Yours sincerely*

*Derrick*

(D.F. Burden)

RESTRICTED

119.



With the compliments of

With reference to (111)  
Tehran telno 412  
to F.C.O.

BRITISH EMBASSY	
RECEIVED IN	
REGISTRY No. 10	
16 MAY 1969	
NEA 3/324/1	

Am 15/5  
Rag <sup>Utr</sup> ~~purm~~  
Mr Kerchcliffe  
in ~~Am~~ <sup>Am</sup> ~~land~~  
27  
1a March 28/5

RESTRICTED



RECEIVED IN  
REGISTRY No. 9  
16 MAY 1969

NEQ 3/324/1

BRITISH EMBASSY,  
KUWAIT.

12 May, 1969

3/20

Dear Edes,

Shatt-al-Arab Dispute

In our telegram No. 155 we reported the Kuwaiti effort at mediation in this dispute. When we called on 10 May on the Foreign Minister, the Ambassador and I enquired how this offer was going. The Foreign Minister said that they would wait and see what report Shaikh Sa'ad brought back on his return from his Middle East tour; he is now in Amman and is expected back on 13 or 14 May. This reply confirms the impression which the Kuwait press has acquired, that while the Iranians have sent a reasonably forthcoming reply to the Kuwaitis, no written answer has been received from Iraq. The Crown Prince told the press on 10 May that the offer of mediation had been made personally by the Ruler, and the press is now talking about the possible despatch of another envoy to Iran and Iraq, mentioning the Foreign Minister. He certainly gave us no impression that he was thinking of going off himself, but he did express his concern at such a serious dispute between two close neighbours of Kuwait.

Yours ever

Alan Goodison

(A.C. Goodison)

J.M. Edes, Esq.,  
Arabian Department,  
F.C.O.

cc M.S. Weir, Esq., Bahrain  
D.F. Hawley, Esq., MBE, BAGHDAD  
C.D. Wiggan, Esq., CMG, DFC, AFC, Tehran.

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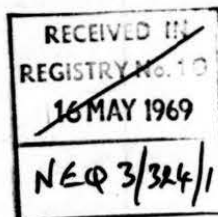
Reference.....

NEQ

(121)

Mr. HinchcliffeMr. Makinson

15/5

Shatt al Arab

Mr. Mirfakhrai of the Iranian Embassy telephoned to me yesterday (14 May) about another matter. I took the opportunity of saying to him that we had not failed to notice the language used by Mr. Valik in his letter to the President of the Security Council (UKM is New York telegram No. 918). The Minister of State and Mr. Arthur had separately told the Ambassador here that we greatly hoped that the charges against the U.K. about having imposed the 1937 Agreement would not continue. We did not want to have to indulge in a public argument with Iran but would be forced to comment (or Parliamentary Questions might well be asked) if the Iranians continued with their allegations. We believe therefore that Mr. Valik's language did not represent the current policy of the Iranian Government. We had of course noted the difference between his letter and Mr. Aram's to the Times although we would of course have preferred there to have been no mention at all in the latter to the Admiralty's so-called involvement.

Vakil

2. Mr. Mirfakhrai undertook to pass this on to his Ambassador and he subsequently told me that they would be seeking clarification from Tehran and would let me know the result.

3. Mr. Franks lunched with the Iranian Ambassador yesterday and the latter said that he was upset by the terms of Mr. Valik's letter (this conversation preceded mine with Mr. Mirfakhrai). Mr. Aram said that he felt pretty sure that Mr. Valik was acting on his own initiative rather than on specific instructions. He was an ambitious man who would adapt his language to suit circumstances in the United Nations. Mr. Aram implied that he considered Mr. Valik as unreliable and vain. He is right on both counts.

A. A. Acland

(A. A. Acland)  
15 May, 1969.

This tends to add fuel to the contention that we were wise not to take Greater Britain in New York in the face of VALIK'S offensive allegations! P.M. Hinchcliffe 15/5

pe P.M.H. 19/5

CONFIDENTIAL

The President, Dec 21, 1913

102

THE

晉書

designer on the Arab up Iraq was under Ottoman control and so the project. (Destroyed in 1968)

(Continued from page 4) **UNITED STATES DEPARTMENT OF JUSTICE**

THE UNIVERSITY OF CHICAGO

12 May 1967  
Log  
Pc

1001169

$N = 3/324$

1990

THE

**EDITORIAL BOARD**

THE

(NEQ 3/324/1)

19 May, 1969.

Shatt-al-Arab Dispute

Please refer to your letter I 3/4  
of 6 May to Judy Walker.

2. You should by now have received  
a copy of Guidance Telegram 102 of  
7 May, which should answer the query  
in paragraph 3 of your letter under  
reference.

3. If you need any further information  
I shall be glad to help.

(P. R. M. Hinchcliffe)

D. M. March, Esq.,  
British High Commission,  
Rawalpindi.

PC/MMM

2/6

Registry  
No. NEQ 3/324/1.

DRAFT Fair Letter.

Type 1 + 2 .

SECURITY CLASSIFICATION

~~Top Secret~~  
~~Secret~~  
~~Confidential~~  
~~Restricted~~  
Unclassified.

To:— D. M. March, Esq.,  
British High Commission,  
Rawalpindi.

From  
P.R.M. Hinchcliffe.  
Telephone No. & Ext.

Department  
N.E.D.

PRIVACY MARKING

.....In Confidence

Shatt-al-Arab Dispute.

Please refer to your letter I 3/4  
of 6 May to Andy Walker.

2. You should by now have  
received a copy of Guidance Tel.  
102 of 7 May, which should  
answer the query in paragraph  
3 of your letter under reference.

3. If you ~~have~~<sup>need</sup> any further  
information I shall be glad to help.

PMK  
16/5

NOTHING TO BE WRITTEN IN THIS MARGIN

CONFIDENTIAL

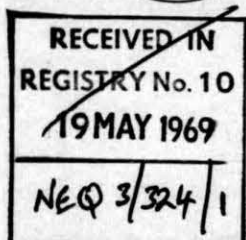
124



BRITISH EMBASSY

TEHRAN

(3/40)



14 May, 1969.

AM 18/5

m<sup>r</sup> Hinkley 19/5  
m<sup>r</sup> Makinson 19/5  
Euter

Pa  
PMM 28/5

Dear Peter,

Please refer to Anthony Acland's letter of 7 May to John Champion about the Shatt al-Arab. We have also seen his letter of 6 May to Egerton in New York.

2. We were interested (and, I must confess, not a little relieved) to read the Research Department papers enclosed with Acland's letter. We were also grateful for the guidance contained in paragraph 3. We are in general agreement with the line suggested, which we will use if necessary. As you will recall from paragraph 3 of Tehran telegram No. 412 (not to UKMIS New York) it accords with the line we have been taking here.

3. I think I should say, however, that although we have not yet seen the full text of Aram's letter to the Times (which was, incidentally, carried by Radio Tehran last night), our impression is that as far as we are concerned the heat is now being turned well down. As Michael Weston suggested in paragraph 7 of his letter to Makinson of 6 May, we do not think that the Iranians have been attacking us for any but tactical reasons. In any case the focus of attention here has shifted entirely to the treatment of Iranians in Iraq. In the circumstances, I am hopeful that it will not be necessary for any of us to use the guidance which you have provided. I am sure that you will agree that we should keep out of the controversy altogether if we possibly can.

4. The Information Officer is at present on an organised trip to the border region, in the company of other members of diplomatic missions in Tehran. The trip was proposed by the Ministry for Foreign Affairs so that missions could have a first hand knowledge of the areas and conditions in which refugees from Iraq are arriving. So far as I can ascertain a majority of missions (including the Americans) have sent one or two people on the trip. I shall have more to report when Eland returns. My only off-the-cuff comment at present - and I claim the licence of a new boy for making it - is that the accounts we are getting of Iraqi treatment of the refugees are remarkably small beer compared with the atrocities which mankind is inflicting on mankind elsewhere in the world.

Yours ever

Donald

(D.F. Murray)

J. P. Tripp, Esq.,  
Near Eastern Department,  
F.C.O.

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/Copies

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Copies to:

P. McKearney, Esq., Baghdad.  
S.L. Egerton, Esq., UKMIS New York.  
A.B. Urwick, Esq., Washington.  
T.J. Everard, Esq., Bahrain Residency.  
A.C. Goodison, Esq., Kuwait.

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Telephone 01-488 4535  
Telegrams Bison London Telex  
Cables Bison London-EC3  
Telex London 885794

# B-I

**BRITISH INDIA STEAM NAVIGATION COMPANY LIMITED**

**ONE ALDGATE LONDON EC3**

ST/RFF/600

7th May 1969.

M. Cochlin, Esq.,  
Board of Trade,  
Room 469,  
1, Victoria Street,  
LONDON S.W.1.

Dear Mr. Cochlin,

NAVIGATION IN THE SHATT-AL-ARAB RIVER

Further to our telephone conversations yesterday, I give below text of cables we have received from our Agents in Iran and Iraq:-

Khorramshahr's Cable of 3rd May - received 5th May

"DIRECTIVE RECEIVED FROM PORT AUTHORITIES  
QUOTE VESSELS PROCEEDING TO KHORRAMSHAHR  
FROM SEA ANCHOR HARTAH POINT THENCE TO BE  
PILOTED BY IRANIAN PILOTS TO JETTIES UNQUOTE  
STOP NYANZA ARRIVED BAR 02160 ENTERING PM  
THIRD EXPECT BERTH FIFTH"

Basrah's Cable of 4th May - received 5th May

"FOLLOWING IS VIEW OF IRAQI PORTS ADMINISTRATION  
AS EXPRESSED TODAY BEGINS WE WOULD LIKE TO  
INFORM YOU THAT ACCORDING TO INTERNATIONAL LAW  
THE NAVIGATION ON THE RIVER SHATALARAB IS AS WE  
ARE SURE YOU KNOW CARRIED OUT BY THE IRAQI  
AUTHORITIES STOP THE LIMITS OF KHORRAMSHAHR  
PORT WHERE IRANIAN HARBOUR MASTERS OPERATE

DO NOT INCLUDE THE KARUN BAR IN THE SHATALARAB STOP ONLY IRAQI PILOTS ARE ALLOWED TO NAVIGATE IN THESE PARTS STOP WE ASK YOU TO COOPERATE WITH INTERNATIONAL ORDER AND NOT ALLOW SUCH VIOLATION AS MAY BE ASKED BY IRANIAN PORT AUTHORITIES STOP FOR SAFETY OF NAVIGATION SHIPS SHOULD NOT MOVE FROM KHORRAMSHAHR PORT UNLESS THERE IS AN IRAQI PILOT ONBOARD ENDS VESSELS BOUND FOR KHORRAMSHAHR ARE TO PROCEED FROM SEA TO ABUFLUS FIRST AND UPON LEAVING KHORRAMSHAHR PROCEED ABUFLUS THENCE SEA NO CHARGE BEING LEVIED FOR THIS PURPOSE STOP SUGGEST ALL VESSELS PROCEEDING SHATALARAB BE INFORMED FOREGOING AS CONTRAVENTION MAY HAVE SERIOUS CONSEQUENCES INCLUDING BLACKLISTING"

Khorramshahr's Cable of 5th May - received 6th May

"NYANZA BERTHED 05103 EDC FIFTEENTH VESSEL ARRIVED VIA ABUFLUS STOP"

To put you in the picture, the practice in the past has been for vessels proceeding up the Shatt-al-Arab River to take on an Iraqi Pilot at the Outer Bar and in the case of vessels berthing at Khorramshahr an Iranian Harbour Master would take over from the Pilot off Khorramshahr jetties. With congestion at Khorramshahr it has been necessary for vessels to anchor at Hartah Point, which is between Abadan and Khorramshahr, to await a berth. This has meant that when a berth is available at Khorramshahr an Iraqi Pilot has to be obtained to take the vessel from Hartah Point up to Khorramshahr before handing over to the Iranian Harbour Master.

You will observe in Basrah's cable reference to the Karun Bar in the Shatt-al-Arab which is between Hartah Point and Khorramshahr.

The only vessel which has caused us immediate concern is the "NYANZA" and you will see from Khorramshahr's cable of 5th May that she berthed at Khorramshahr on the 5th having proceeded up river to Abuflus which is north of Khorramshahr and under Iraq's control. It would seem that having taken on an Iraqi Pilot as usual at the Outer Bar, the Pilot took the vessel up to Abuflus from where

there should be no question other than appointing another Iraqi Pilot to take her back from Abuflus to Khorramshahr.

It is anticipated that "NYANZA" will complete discharge at Khorramshahr on 15th May and thereafter she is programmed to call at Basrah. Provided an Iraqi Pilot joins her off the Khorramshahr jetties to take her up to Basrah there should be no problem, but if an Iraqi Pilot is not immediately available when the Iranians want to take "NYANZA" off the berth they may decide to appoint an Iranian Pilot to take her down to Hartah Point which could create difficulties with the Iraqi Authorities.

Yours faithfully,  
for BRITISH INDIA STEAM NAVIGATION CO.LTD.

  
(R. F. Folley)  
Manager.



125

BOARD OF TRADE  
Shipping Policy Division

1 Victoria Street, LONDON S.W.1

Telex  
27366

~~Telex 2555~~ Answer Back: B0THQ LONDON

Telex 4001 Advantage London S.W.1

Telephone: ABBEY 7877, ext. 2450

Our reference: FSR 1606 G

Your reference:

RECEIVED  
19 MAY 1969

NEQ 3/324/1/6

May, 1969

*New Hinchcliffe*

... I am enclosing a letter from British India which gives the text of the conflicting orders received by their agents in Basrah and Khorramshahr about pilotage in the Shatt-Al-Arab river.

When I discussed this with the Company, they were not inclined to give the Master of the "Nyanza" any special orders regarding pilotage Khorramshahr/Basrah and were prepared to allow the Master to play it by ear. I will let you know of any further developments.

I understand that you intend to make enquiries in Tehran about an assurance apparently received from the Iranian Government that they did not intend to make difficulties for foreign vessels using the river.

I am copying this letter with enclosure to James Ayres (A.M. and T. Department).

*Yours Sincerely,*  
*M. J. Cochlin*  
(M. J. Cochlin)

P. R. M. Hinchcliffe, Esq.,  
Near Eastern Dept.,  
Foreign Office,  
LONDON S.W.1.

*No action now required*

*PA*  
*PLM*  
*28/5*

*Reg & Lu.*

*Re PLM*  
*17/5*

NIZ  
RIR  
MOS  
O

## Iraq accused by Iranian refugees

From Our Correspondent

Teheran, May 18

Lorries and buses loaded with hundreds of Iranians expelled from Iraq because of the dispute between the two countries over navigation in the Shatt al-Arab river are arriving here every day. Their stories are almost identical. They were either taken away from work or dragged out of bed at midnight, taken to some military centre for interrogation and beating, then put into lorries to be carried like cattle to Iranian frontier posts.

A foreign correspondent, who has visited the refugee camps at the border town of Khosravi, said: "I have seen men with broken bones, youths with scarred bodies, and hordes of frightened, bewildered children. I have seen grown men close to tears—fearful not for themselves, but for their wives and children who are still detained in Iraq."

On his arrival in Teheran, Ebrahim Husain Begu Shahi, aged 34, a gardener who lived in Kazemin, showed burns of an electric iron on his back, inflicted because his family name meant "say I am the Shah". He has two sons and two daughters who are still in Iraq.

The Iraqi police made particular sport of another man after finding some Iranian stamps in his wallet. Every stamp earned him a beating.

Fazel Lajevardi, aged 50, a cloth-dealer, with a capital the equivalent of about £5,000 and a house worth about £25,000, told correspondents that he was dragged out of his shop and thrown into a lorry headed for the Iranian border. "The doors of my shop were still open as the police drove me and other Iranians away", he said.

So far, 13,000 Iranian refugees, many of them with tales of brutalities, have arrived at the border towns of Khosravi and Qasr-e-Shirin.

Mr Huichelife

Mr Mahan

RECEIVED IN
REGISTRY No. 10
20 MAY 1969
NEQ 3/324/1

19/5

Reg. & Pa.

19/5

RESTRICTED

127

(2/2)

*Minute  
L draft 13  
Mr. Arthur A.A. 13.5  
How do I reply?*

*JD  
11.5.69*



BRITISH EMBASSY,  
WARSAW.

RECEIVED IN  
REGISTRY No. 10

6 May, 1969.

20 MAY 1969

NEQ 3/324/1

*Dear Tom,*

SUGGESTION OF PERSIAN AMBASSADOR, WARSAW

In calling on me today the Persian Ambassador here asked me if I would put a particular point to you. Worried about existing bad relations between Iraq and Tehran the Ambassador said that he hoped H.M.G. would consider the desirability of publishing the Agreement concluded some thirty years ago regulating the Iraq-Persian frontier in the Shatt al 'Arab. He asked me if I would put this suggestion to you.

2. I told him that you were not dealing with the Middle East. I suggested that he might get somebody in Tehran to suggest it to our Ambassador there, or alternatively take it up in London. But he was insistent that I should refer the matter to you, which I rather feebly undertook to do, though I held out no hope that he would get a reasoned answer.

3. I need hardly say that it is not my ambition to become the channel for the solution to the problem of Iraq-Persian relations. But if there is some placebo that you could send me to pass on to the Persian it should be easy to keep him quiet.

*Yours ever,*

*Nicks*

(J. N. Henderson)

Sir Thomas Brimelow, K.C.M.G., O.B.E.,  
Foreign and Commonwealth Office.

RESTRICTED

19 May, 1969

Suggestion of Persian Ambassador, Warsaw.

Thank you for your letter of 6 May.

2. I am puzzled by the Ambassador's request. I assume that the agreement to which he referred is the Treaty of 1937 between Iraq and Iran which, inter alia, defined a minor adjustment to the frontier between the two countries along part of the Shatt al Arab. H.M.G. was not a party to the Treaty. There is therefore no reason why we should take the initiative in publishing the Agreement. It is this Treaty which the Iranians claim to have abrogated unilaterally (although there is no provision for this) on the grounds that the Iraqis have failed to observe some of its clauses. You may have seen already Guidance No.102 which gives the background to the dispute, but I enclose another copy for convenience.

3. I cannot establish if the Treaty has been published as a public document by either (or both) of the two countries concerned. It is however contained in a League of Nations publication, Treaty Series 4423 (volume 190 published 1938). You might like to draw the Ambassador's attention to this document. When you do so, please give him my warmest personal greetings.

(Thomas Brinelow)

J.N.Henderson, Esq., C.M.G.,  
H.M.Embassy,  
Warsaw.

RESTRICTED

despd.  
20/5  
22

PA PAM 2/6

Registry No.
SECURITY CLASSIFICATION
Top Secret. Secret. Confidential. Restricted. Unclassified.
PRIVACY MARKING
.....In Confidence

**DRAFT** RESTRICTED  
Letter

Type 1 +

To:—

J.N. Henderson Esq., C.M.G.,  
Warsaw.

From

Sir Thomas Brimelow  
Telephone No. & Ext.

Department

Suggestion of Persian Ambassador, Warsaw

Thank you for your letter of 6 May.

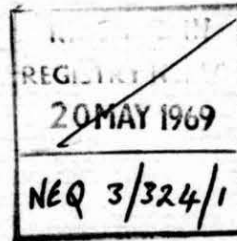
2. I am puzzled by the Ambassador's request. I assume that the agreement to which he referred is the Treaty of 1937 between Iraq and Iran which, inter alia, defined a minor adjustment to the frontier between the two countries along part of the Shatt al Arab. ~~As the Ambassador should know~~ H.M.G. was not a party to the Treaty, ~~and so~~ <sup>therefore</sup> there is no reason why we should take the initiative in publishing the Agreement. ~~And~~ <sup>It</sup> is this Treaty which the Iranians claim to have abrogated unilaterally (although there is no provision for this) on the grounds that the Iraqis have failed to observe some of its clauses. You may have seen already Guidance No.102 which gives the background to the dispute, but I enclose another copy for convenience.

3. I cannot establish if the Treaty has been published as a public document by either (or both) of the two countries concerned. It is however contained in a League of Nations publication, Treaty Series 4423 (volume 190 published 1938). You might like to draw the Ambassador's attention to this document, ~~provided you think that his request is worth pursuing at all.~~ <sup>When you do so, please give him my warmest personal greetings.</sup>

RESTRICTED

16.5.69

RESTRICTED



Sir T. Brimelow

Suggestion of Persian Ambassador, Warsaw

Mr. Henderson's letter 2/2 of 6 May to you.

-----  
2. I attach a draft reply.

*J.P. Tripp*

(J.P. Tripp)  
15 May, 1969.

*Many thanks. Shown  
initialled the draft.*

*JP*  
16.5.69

*Re: 16.5.69*

*P1 PRMM*

*2/6*

*See 128*

RESTRICTED

THE TIMES  
20 MAY 1969

Cutting dated .....

REC'D IN  
REGIST.

22 MAY 1969

NEQ 3/324/1

### STORM IN THE GULF

From Colonel G. I. A. D. Draper //

Sir,—His Excellency the Iranian ambassador (May 13) tells us that among the reasons which led the Imperial Government of Iran "finally to abrogate" the Iran-Iraq Treaty of 1937 concerning the Shatt-al-Arab river "there is also the internationally accepted principle of *rebus sic stantibus* with numerous instances of its application in disputes of this nature...".

The views of leading jurists and the decisions of competent international tribunals indicate that the legal position is almost the precise opposite of that contended by the Iranian ambassador in seeking to justify the unilateral abrogation by Iran of the treaty of 1937 with Iraq. As one leading authority puts it: "There seems to be no recorded case in which (the doctrine of *rebus sic stantibus*) its application has been admitted by both parties to a controversy or in which it has been applied by an international tribunal. . . . Not every important change of circumstances will put an end to the obligations of a treaty. . . . What puts an end to the treaty is the disappearance of the foundations upon which it rests . . . a treaty in international law is not dissolved merely by a change of circumstances; it is dissolved if a term can fairly be read into it providing that in the event which has happened it is to be dissolved." (Brierly, Law of Nations, p. 395 *et seq.*)

There may well be other legal arguments supporting the Iranian ambassador's contention but *rebus sic stantibus* is a very doubtful starter. The Dutch jurist, Bynkershoek, accused our Queen Elizabeth I of inventing the doctrine, and in no polite terms, but its origins can be more properly attributed to the medieval Canon Law.

I am, Sir, your obedient servant,

G. I. A. D. DRAPER.

16 Southover High Street, Lewes, Sussex.

Mr. Thicke etc.

Mr. Mahon etc.

Mr. A. J. D. J.

then

enter & pa.

PAUL

20/5

(130)

RESTRICTED

Miss Brown

Shatt-Al-Arab

Mr. Cochlin of the Shipping Policy Division of the Board of Trade telephoned Mr. Hinchcliffe in Near Eastern Department yesterday for advice to shipowners whose vessels were affected by the Iraqi/Iranian dispute over pilots of vessels in the Shatt-Al-Arab.

2. The line concerned was the British Indian Shipping Company who have a ship proceeding to Basra or Khorramshahr on 15 May. The Company understood that the Iraqi Government were insisting that all ships navigating their sector of the river should carry an Iraqi pilot in accordance with the terms of the 1937 Agreement. The ships of any line which failed to comply would be black listed. Mr. Hinchcliffe consulted Mr. Ayres who in turn consulted me. None of us could offer any better advice than that the Company should divert the ships to another port until the dispute, which was a strictly Iraqi/Iranian one, was resolved.

3. Mr. Cochlin duly gave this advice to British India yesterday afternoon. They appeared to be perfectly satisfied with it. They told the Board of Trade that if the choice were to lie between calling at Basra and Khorramshahr they would choose Khorramshahr. Basra was not a particularly profitable port for them. They also indicated that the threat of black listing by the Iraqi Government was not a particularly serious one so far as they were concerned.

*M. E. Heath*  
(M.E. HEATH)  
7 May 1969

Mr. Gallagher

This is a tricky one. If the British Company agree to take an Iraqi pilot they would risk exclusion by the Iranians. The advice given seems the only possible one in the circumstances and I do not think there would be any disposition to try and hold Her Majesty's Government responsible for any loss that may result; the decision rests with the Company. But if the dispute continues for any length of time the Company may come back to us and we may need to consider whether any representations to either Government on behalf of British shipping would have any chance of being fruitful. For the moment I doubt this

RESTRICTED

RESTRICTED

very much.

*G. Brown*  
(G.G. Brown)  
7 May, 1969

Miss Brown

I agree that the advice given to solve the immediate problem is sound. As you point out, however, there is a longer-term issue involved which will require a policy decision here. There might therefore be advantage in consulting HM Embassies in Baghdad and Teheran about the desirability of representations should the present situation continue.

*F.G.K. Gallagher*  
(F.G.K. Gallagher)  
8 May, 1969.

*A MMT*  
*2/6*

RESTRICTED

SECRET

Reference.....

W. 120

pp attached

Shatt al-Arab

Mr Hinchcliffe (Please see over),

Please see the attached  
minutes.

2. Will you put the point  
to Am RE or would you prefer  
me to do so. If the latter, do  
you have any pts. before me to do so?

3. Am I right in thinking  
that the situation has, to some  
extent, improved and that the  
heat is off? If the worst comes  
to the worst would there be any  
risk of repercussions having a  
complicating or even counterproductive  
effect?

*[Signature]*

A. M. T. Dept.  
16/5

Mr Heath

I think that the least is off and that both sides are probably trying to think of some face saving formula to allow them to gradually withdraw from a position of confrontation.

FLAGS G  
-H

You will see from the files attached considerable concern shipping in the S. East - The Iranians blow hot & cold to the confusion of the shipping agencies! The hijackings are often to be seen in importance as there is less ~~but~~ now being generated about flags.

I would have thought that the best advice to give shipping companies is to better - recent of course - the general lines as agreed by your department and ~~as stated in the~~ as mentioned in the telegram of F at FLAG B.

Both the Iranians & Iraqis are aware of our views about the need of the despatch effecting the shipping of third countries - see for instance Para 2 at Flag L. General Guidance to ports has been given in Guidance Telegram No 102. I don't think, unless the situation ~~is~~ dramatically determined, that there is any need to make representations to the two

Government's concern. Such representations might  
 could be counterproductive. Iraq has  
 blamed us for being involved in an Iranian/  
 International / C-10 plot & Iran  
 states that we dictated the terms of the  
 1937 treaty in ~~subordination~~ to  
 the detriment of her interests.

x However I see no harm in consulting  
 the hosts concerned on this point. The letter  
 might best come from your department. I  
 hope that we will not need to do this but I  
 suppose it is best to be prepared.

I would be grateful for the return of these  
 files when you have finished with them as they  
 are still active and papers need still to  
 be entered.

I apologise for the length of this minute.

Peter Harrell

Mrs. Rogers

14/5/61

What do you think about notice as  
 x? It certainly is best to be prepared:

over →

but pl. see Mr. Burdick's letter of  
11 May (File 4 on NEA 3/324/1).

more  
19/5

letter sent - drafted by Mr. Ayres

see

Pa. PNNNN

22/5

CONF -

131



Near Eastern Department,  
Foreign and Commonwealth Office  
London S.W.1

NEQ 3/324/1

22 May, 1969.

Shatt al Arab

We are very pleased to note from Burdon's letter to Watson of 11 May that the dispute over navigation appears to be easing. The Board of Trade were approached for advice by British India Line shortly before Burdon's letter was sent, as B.I. were confronted with a choice of pilots for the navigating of the Shatt and threatened with black listing by the Iraqis should they choose an Iranian.

2. The only advice we felt able to offer at the time was to suggest that if they wished to avoid the blacklist, British India vessels should not call at Khorramshahr but should divert their vessels to other Iranian ports (British India immediately expressed a preference to avoid Basra, but that is another matter). It appears from Burdon's letter, however, that by the time British India vessels reached the Shatt, the situation may have eased considerably. The rather drastic action we suggested may therefore not have been pursued and we hope that the situation will not deteriorate again.

3. It seems likely, however, on past showing, that neither Iran nor Iraq will be able to resist the temptation at some time to use the Shatt issue to put pressure on the other side. We would therefore welcome your advice on what effect representations to the protagonists might have on behalf of the shipowners who are in no way parties to the dispute.

4. We appreciate, of course, that it is almost impossible to predict the next occasion on which the Shatt will be a live issue (even assuming we are in the autumn of the current crisis) but we would appreciate your thoughts; including your views and comments on a multilateral approach by the Representatives of shipowning countries to the parties, which could be coordinated here.

(P.R.M. Hinchcliffe)

J.S. Champion, Esq., O.B.E.,  
Tehran.

c.c. P. McKearney, Esq.,  
Baghdad.

CONFIDENTIAL

P. M. H.  
2/6

NEQ3/324/1

Registry  
No.

DRAFT

~~CONFIDENTIAL~~

LETTER

PMU

TO ISSUE PLEASE CUTS

Type 1 + 3

SECURITY CLASSIFICATION

Top Secret.  
Secret.  
Confidential.  
Restricted.  
Unclassified.

J 21.5

To:—

J. S. Champion, OBE,  
Tehran.

From

P.R.M. Hinchcliffe

Telephone No. & Ext.

Department

NEO

PRIVACY MARKING

In Confidence

c.c. P. McKearney,  
Baghdad.

Shatt-al-Arab

(118)

We are very please to note from Burdon's letter to Watson of 11 May that the dispute over navigation appears to be easing. The Board of Trade were approached for advice <sup>by</sup> ~~from~~ British India Line shortly before Burdon's letter was sent, as <sup>B.I.</sup> ~~they~~ were confronted with a choice of pilots for the navigating of the Shatt and <sup>and with</sup> ~~the threat of~~ black listing by the Iraqis should they choose an Iranian.

2. The only advice we felt able to offer at the time was to suggest that if they wished to avoid the black list, British India vessels should not call at Khorramshahr but should divert their vessels to other Iranian ports. (British India immediately expressed a preference to avoid Basra, but that is another matter). It appears from Burdon's letter, however, that by the time the British India vessel reached the Shatt, the situation may have eased considerably. The rather drastic action we suggested may therefore not have been pursued and we hope that the situation will not deteriorate again.

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Appreciate  
Welcome

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~~be for~~ representations to the protagonists <sup>might have</sup> on behalf  
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multilateral <sup>approach</sup> ~~project~~ by the Representatives of  
shipowning countries to the parties, which could be  
co-ordinated here.

NOTHING TO BE WRITTEN IN THIS MARGIN

CONFIDENTIAL

132



RECEIVED IN  
REGISTRY No. 10  
27 MAY 1969

NEQ 3/324/1

20.5.69.

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pa.

Mr. A. J. S.  
Amto  
love first

PMNH  
2715

C2/2

RESTRICTEDBritish Consulate, *cont.*

Khorramshahr.

18 May 1969.

2. *Simulate to**H of C**C**HE**Mr. Dawson**DA/NA**HMC*3. *P/a*

Dear Michael,

Irano-Iraqi Relations.

Would you please refer to my letter C2/2 of 11 May about the position on the Shatt.

2. Until yesterday this has been an uneventful week. Ships have been moving in and out fairly freely under Iraqi pilots, still on occasion using the Abul Flus route, but in other cases coming direct to Khorramshahr anchorage. But, as you will have seen from yesterday's and today's Kayhan International (17 and 18 May) the Iranians have now made their first run up-stream under Iranian pilotage. The press accounts on the actual passage of the Gema are substantially correct for a change. The Gema is of German registration but under charter to Arya Line, and she had previously been diverted to Bandar Shahpour. She flew the German flag at the stern and the Iranian flag in the courtesy position on her foremast. There was no incident during the unescorted passage up-stream, and the ship arrived alongside at Khorramshahr at about 9 o'clock last night. The Iranian Navy patrol boats stationed at Khorramshahr were not unduly active during the day, though I suspect that a naval vessel must have been used to put the Iranian pilot (either Dr. Amanpour or Commander Ramsay Attale - or both) aboard. I understand that a second German ship on charter to the Arya Line, now at Bandar Shahpour, will come up-stream under similar arrangements today.

3. Ramsay Attale hinted to me the night before last that a move of this kind was afoot without specifying when the run would be made. The absence of incident when the Iranian pilot went aboard at the outer bar, and the smooth passage up-stream, leads shipping people here to believe that the move was announced beforehand to the Iraqis (communications are still fully maintained with the Iraqi River Patrol Authorities) and that some indication had been given by the Iraqis that no resistance would be offered. I think there is something in this.

4. The Iranians are of course still limiting their piloting activities to Iranian owned or chartered ships, and so long as they stick to this line the Iraqis will not it seems make trouble. The loss of revenue involved from the few ships concerned is not large. The main worry to ship owners must remain the possible Iraqi reaction to any extension of the use of Iranian pilots to all foreign ships coming to Iranian ports, which Ramsay Attale has reiterated to me is the eventual aim. I think this move, if it comes, is still some way off so that of course the Iranian pilots are not yet available in sufficient numbers. But even so reaction to a possible order to take Iranian pilots is already softening; for example, Strick Marine Superintendent has been told by his head office that their ships may take Iranian pilots if so ordered.

5./



RESTRICTED

5. The general position is rather more relaxed <sup>than</sup> in the last week. There has been little troop movement, and no more air raid practice. The main grumble in the towns at the moment is the economic effect of the crisis. There has undoubtedly been a considerable rise in the price of some food stuffs and this has been put down to shortages caused by nervous hoarders, although the breakdown of communications caused by the still intensive floods is undoubtedly a contributory factor to any shortage, which is by no means yet serious. The floods are also responsible for the absence of locally picked fresh vegetables.. The general nervousness is also reported to be holding up transactions such as house sales and to be causing a general slackening of trade so far as the more durable consumer articles are concerned. All this is I suppose to be expected.

*Wm Burden*  
*Dewick*

(D.F. Burden)

NEQ 3/324/1

(b) Iraqi News Agency in Arabic 09.50 GMT 26.5.69

Text of report:

Basrah: According to reports, there were wide-scale military activities last week in Arabistan. Military vehicles were seen carrying more Iranian troops to the Shatt al-Arab area, which adjoins Iraq, where the Iranian troops are concentrated.

According to these reports, these activities coincided with mass arrests of Arab youths and Arab tribal chieftains in the area. The Iranian security authorities have banished dozens of Arab youths from the area and have taken the chieftains of the Bani Kab, Rubayah, Kinanah and Bani Taraf tribes to Tehran on charges of carrying out activities against the agent Government.

According to the reports, the Iranian authorities have imposed curfew in the Arab areas near the Shatt al-Arab where the Iranian troops are concentrated. The authorities have warned Arab citizens against approaching these military areas and have threatened to shoot anyone contravening the order.

Meanwhile, the Iraqi News Agency representative in Basra has learned that the organisations operating in Arabistan held a meeting on 15th May at the request of the Arabistan Liberation Front. They discussed the situation in the area. They also discussed the co-ordination of patriotic activities in Arabistan under a unified organisation to struggle to liberate the district from the occupationist Iranian clique. Representatives of the Arabistan Front, the Ahwaz Liberation Front and a number Arabistan fighters attended the meeting.

'Kayhan' Warning to Iraq

Tehran home service in Persian 16.30 GMT 26.5.69

Text of report of 'Kayhan' article:

We would like to draw your attention to an article in 'Kayhan' of 26th May under the headline: "A Timely Warning". The paper says: The present leaders of Iraq's Ba'thist Government are using terrorism and intimidation in an effort to keep their shaky and doomed Government in power as long as possible. Their lunatic behaviour, designed to make the Iraqi people tolerate this shaky Government, makes us think that the members of this gang would do just about anything insane to continue their domination, to cover up their weaknesses and to divert the Iraqi people's attention from the facts.

For example, they may be thinking of damaging Iran's oil installations, or they may try to intimidate us. Since the consequences of such folly should be made clear beforehand, and since the unfortunate Iraqi people should know the consequence of the insane but likely actions of their officials, we would like to say what the Iranian Government's reaction would be in advance.

Everyone knows the character of the people making up the Iraqi Government. Their impulsive utterances are a sign of their mentality. Theirs are sick minds, and things coming from sick minds need not surprise anyone. However, we should know what type of people these men are - these men who have no experience, no insight and no knowledge of the principles of government - these men, who nevertheless have formed a minority commanding the destiny of the Iraqi people. Do these people, who resort to terrorism, intimidation and murder to perpetuate their Government, have the sense of responsibility which is the first characteristic of a statesman?

'Kayhan' continues: It is necessary to inform all the Iraqi people explicitly that if the present Iraqi rulers try to carry out the foolish aims they may have in mind against Iran's oil wealth, if they fire so much as a single shot at Iran's oil wealth,

Iraq's naval, air and land forces will be wiped out. Thus, the damage to Iraq's national wealth will be far greater than that done to Iran. Moreover, Iran will force Iraq to pay heavy reparations for damage. Iran will secure necessary guarantees, through various appropriate measures, to ensure the payment of such reparations.

#### Reports in Brief

The Iranian rulers' true intentions (Excerpts) 'Ath Thawrah comments on the Iranian rulers' true intentions. It writes: At last, the reactionary ruling clique has been obliged to unmask its ugly agent face, reveal its plots against Iraq and expose world imperialism's hostile stand against our people's national aspirations and hopes. Yesterday, the Iranian clique in a most insolent manner asked its American masters in CENTO to intervene directly against the revolutionary Government of Iraq and try to liquidate it, after the clique itself had failed to perform this dishonourable mission. By making this request at the imperialist CENTO meeting, the petty lackeys of imperialism are trying to play with fire. For they, more than anybody else, know that the people's struggle and steadfastness has exceeded by far the might, oppression and plotting of imperialism. The time when imperialism could toy with the destinies of peoples has gone forever... Let the midget rulers in Iran know that our people in Iraq and our entire struggling Arab people are lying in wait for any suspicious move and will not be taken in by any small or big plots hatched at the CENTO meetings. (Baghdad in Arabic 05.30 GMT 26.5.69)

Expulsions of Iranians from Iraq Another 151 Iranians expelled from Iraq arrived at the Khosrovi border crossing last night, bringing the number of Iranians expelled from Iraq so far to 9,061. Most of them were subjected to all types of inhuman torture and molestation by Iraqi officials (Tehran in Persian 10.30 GMT 25.5.69). Another 645 Iranians expelled from Iraq arrived at Khosrovi last night, bringing the total to 9,706 (Tehran in Persian 10.30 GMT 26.5.69).

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INTERNATIONAL HERALD TRIBUNE

Cutting dated

22 MAY 1969

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REGISTRY No. 10

28 MAY 1969

N/E Q 3/324/1

**Iraq Says CIA  
Directed 'Plot'**

DAMASCUS, May 21 (AP).—Iraq today accused the U.S. Central Intelligence Agency of being "the driving force" behind an alleged plot to overthrow the Iraqi government.

An official government spokesman made the charge in an interview with the Baghdad correspondent of the official Syrian news agency.

"The Iraqi government has smashed a new espionage and political sabotage ring operated by the CIA in Iraq," the spokesman said. He named former army Brig. Midhat el-Haj Sirri as "the active leader" of the alleged plot.

The Iraqi government Monday announced it had smashed a plot to overthrow President Ahmed Hassan el-Bakr. It claimed the plot was to have been carried out by "feudalists and right-wing politicians."

Reg-LA

PNM

27/5

133



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**B-I**

**BRITISH INDIA STEAM NAVIGATION COMPANY LIMITED**

ONE ALDGATE LONDON EC3

ST/JPG/ADB/225

20th May, 1969

M. Cochlin, Esq.,  
Board of Trade,  
Room 469,  
1, Victoria Street,  
LONDON, S.W.1.

Dear Mr. Cochlin,

Further to my letter of the 7th May, I am pleased to inform you that "Nyanza" sailed from Khorramshahr to Basrah on the 14th May and from Basrah to Kuwait on the 17th May, without incident.

Yours sincerely,

*R. F. Folley*  
(R. F. Folley)  
Manager.

cc: D. Deacon, Esq.,  
Chamber of Shipping of the United Kingdom,  
30, St. Mary Axe,  
LONDON, E.C.3.

A MEMBER OF THE P & O GROUP

14 PMMM

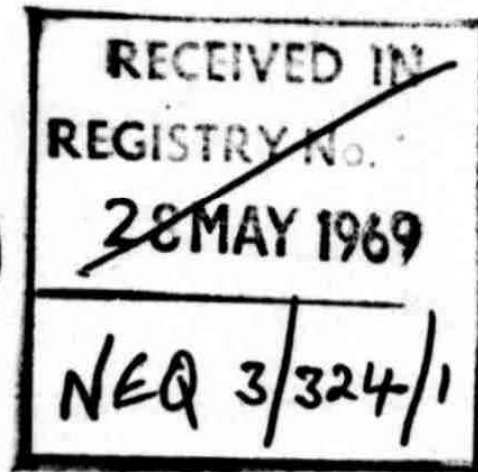
29/5

D.J. MAKINSON

N.E.D.

134

UM 16/24



With the compliments of

FOREIGN AND COMMONWEALTH  
OFFICE

~~MAKINSON~~ D.J. MAKINSON.

Mr Axford to see. Para 2

(but few lines) is confirmed by other  
reports.

LONDON, S.W.1

PHM Humbell

27/5

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Iraq/Iran relations  
27 MAY 1969

CONFIDENTIAL

Easton Dept (120)



UNITED KINGDOM MISSION TO THE UNITED NATIONS  
845 Third Avenue, NEW YORK, N.Y. 10022

18/136/2

Copy to Mr. Robinson  
VED/L

20 May, 1969

Dear John,

Enter  
Mr. 240

22 MAY 1969

14/24

Iranians in Iraq

I enclose a copy of a minute which I have written about the possibility of the Iranians raising the question of the treatment of their people in Iraq at the current session of ECOSOC. Since this was written I have heard that the Iranians probably will ask to make a statement in ECOSOC.

2. I should make it clear with reference to paragraph 2 of my minute that I have not used the arguments set out there in conversation with any delegation, least of all with the Iranians who have not approached us. In principle we should presumably welcome a move to raise some other issue besides Southern Africa or Middle East in a human rights forum. I was simply trying to look at the question through the eyes of the Iranians.

Yours ever,  
David

(D. F. Milton)

W. J. A. Wilberforce, Esq.,  
United Nations (E & S) Department,  
Foreign and Commonwealth Office,  
London, S.W.1.

Mr. Wilberforce 9/6  
Lue o.r.

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Alonpa RMM 28/5

Mr. Egerton

Mr. Parsons

Mr. Allen

Iranians in Iraq

You may be interested to know that I learnt yesterday from Miss Martinez (Jamaica) and the Director of the Human Rights Division that the Iranian delegation have been instructed to consider the possibility of raising the question of the treatment of Iranians in Iraq during the current session of ECOSOC. The idea would be for Iran, which is not a member of ECOSOC, to speak as an observer when the report of the Human Rights Commission is taken in the Social Committee of ECOSOC, probably early in the week beginning 26 May. The Chapters in the Commission's report dealing with violations of Human Rights and Protection of Minorities would provide an opening if the Iranians wanted to take action.

2. I understand that Mr. Vakil, who saw the Secretariat about a fortnight ago, is not in fact anxious to raise this question in ECOSOC and is looking for arguments to persuade Tehran to change their mind. A number of arguments could be adduced against their doing so. One is that the Iranians would risk being linked with the Israelis, who have complained about the treatment of their fellow countrymen in Iraq and they would not want to find themselves in that position. Another is that raising the matter in the U.N. would not necessarily help the lot of Iranians in Iraq. A further argument is that on past form it is most unlikely that ECOSOC (or any other body dealing with human rights questions) would be ready to adopt a helpful resolution. Iraq would almost certainly ask to be heard (she too is not a member of ECOSOC) and would plead Article 2(7) as they did when the Israelis raised the question of the treatment of the Jews in the Human Rights Commission earlier this year. (It was only two or three years ago that ECOSOC declined to take any interest in the treatment of the Kurds in Iraq). Nevertheless, the Iranians might consider that it would still be worth doing something for the sake of publicity. The Iranians have made quite a name for themselves in the human rights field in recent years. notwithstanding their treatment of the Bahai community at home. For example, they acted as host to the International Conference on Human Rights last year and to a session of U.N. Status of Women Commission a few years earlier; they have provided the Special Rapporteur on Apartheid of the Human Rights Commission; and Princess Ashraf, the Shah's sister, is a candidate for the Chairmanship of the Commission in 1970. There may well be a feeling in Tehran that it is time that they received something to show for all this.

3. I will let you know, if I learn anything more.

/Meanwhile

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Meanwhile, if you agree, I will report this to London so that they are forewarned if the Iranians should raise the matter.

(D. F. Milton)  
17 May, 1969.

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Mr Hinchcliffe  
New Eastern Day  
Fz 0.

**M. COCHLIN**  
BOARD OF TRADE

Mr Ayers

AND

PA  
//  
M. Hinchcliffe  
22/5

Comp/29

Reference.....

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B17 SHATT AL-ARAB: IRAQI AMBASSADOR TO PAKISTAN CALLED HOME

(IRAQI NEWS AGENCY) BAGHDAD: FOREIGN MINISTER ABD AL-KARIM AL-SHAYKHLI HAS SUMMONED HOME THE IRAQI AMBASSADOR IN PAKISTAN. IN A

LEANRS THAT THIS FOLLOWS THE CRISIS CREATED BY IRAN OVER THE SHATT AL-ARAB AND PAKISTAN'S ATTITUDE, AS REFLECTED IN BY THE JOINT PAKISTANI-IRANIAN STATEMENT.

END BBC MON 21/5 JL (KY) 1219

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28 MAY 1967

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in ~~Admission~~ <sup>27</sup>/<sub>5</sub>  
in ~~Walker~~ <sup>27</sup>/<sub>5</sub> S.A.D.

Reg: Shatt el Arab & Submit  
Copy Iraq/Pakistan  
Iran/Pakistan

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PANA  
2/6

*Spare.*

*NEC 2/2.*

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CONFIDENTIAL

ROUTINE RAWALPINDI

TO FOREIGN AND COMMONWEALTH OFFICE

*Copy for*

TELE NO 471

22 MAY 1969

*N&Q 3/324/1*

CONFIDENTIAL

ADDRESSED TO F C O TELEGRAM NO 471 OF 22 MAY RFI TO ANKARA  
TEHRAN WASHINGTON AND DELHI (LONDON PLEASE PASS )

TEHRAN TEL NO 438 TO YOU: CENTO MINISTERIAL MEETING.

AS REPORTED IN MARCH'S LETTER OF 20 MAY TO O'LEARY,  
PAKISTAN HAS DECLARED HER UNEQUIVOCAL SUPPORT FOR IRANIAN  
CASE IN SHATT-EL-ARAB DISPUTE, AND CAN THEREFORE BE EXPECTED  
TO SUPPORT REFERENCE TO IT IN COMMUNIQUE. THIS OF COURSE  
INCREASES THE DANGER OF IRAN LENDING SUPPORT TO PAKISTANS  
VIEW THAT THE REDRAFT OF POLITICAL GUIDANCE PAPER SHOULD  
COVER THE THREAT TO PAKISTAN FROM INDIA.

FCO PASS TO ADDRESSEES

SIR C. PICKARD

[REPEATED AS REQUESTED]

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28 MAY 1969
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TOP COPY

En Clair  
BAGHDAD  
Telno.497

TO FOREIGN AND COMMONWEALTH OFFICE  
27 May, 1969

UNCLASSIFIED

Addressed to F.C.O. Telno.497 of 27 May. Repeated for information to Tehran.

Iraq/Iran.

Ministry of Foreign Affairs has circulated a note to Diplomatic Missions in Baghdad requesting they inform their Governments that ships of their respective nationalities sailing in the national waters of the Shatt-al-Arab must comply with Iraqi navigational regulations. Contravention of these regulations will endanger not only the ships concerned but navigation in general.

2. Full text follows by bag.

Mr. Evans

F.C.O./WHITEHALL DISTRIBUTION  
N. EAST. D.

*he must be*

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BRITISH EMBASSY,  
TEHRAN.

22 May 1969  
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28 MAY 1969  
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MAY 3  
N. Hinchcliffe  
Suter  
Mr. Hinchcliffe (transmitted)  
UN (ES) 0 FIRST  
MAY 27 1969

*Dear Peter,*

Shatt al-Arab

In paragraph 4 of my letter 3/40 of 14 May, I reported that the Information Officer had gone on a trip to the border region organised by the Ministry of Foreign Affairs.

2. Eland is now back, and I enclose a copy of his report. As you will see, the trip seems to have been singularly unproductive from the Iranian point of view; those who went on it have come back convinced that both the numbers of the refugees and the reports of maltreatment have been exaggerated by the local press. I gather that the Indian press attaché commented that more "refugees" were to be seen any day of the week at any provincial railway station in the sub-continent than he saw during the whole of his visit to the border.

3. The expedition had a brief mention in the press, but (perhaps understandably) there has been no follow-up, although stories about the refugees and their sufferings continue to have good coverage. A figure of 15,000 refugees has recently been quoted. In general the line of attack in the local press seems to have switched rather to denigration of the Iraqi regime itself: a good deal has been made, for instance, of the recent executions in Baghdad.

4. Meanwhile, as you will have seen from Derrick Burden's letter C 2/2 of 18 May to Michael Weston (not copied to all), a German ship, on charter to the Iranian Arya Shipping Company but under German colours, has now been up the Shatt unescorted under Iranian pilotage and wearing the Iranian flag. The Iraqis may have considered that for all practical purposes this was an Iranian rather than a German vessel, but Burden's report that the Strick Lines' Marine Superintendent has been told by his Head Office that their ships may take Iranian pilots if so ordered is interesting in the context.

5. While the Iranian Navy and Air Force still seem to be on the alert, the Army are now returning to barracks. Meanwhile a Bill has been passed by the Majlis, and is now with the Senate, which will authorise the Government to spend such additional sums as may be necessary on military operations needed to preserve the country's sovereignty.

*Yours ever*

*Donald*

(D. F. Murray)

J. P. Tripp, Esq.,  
Near Eastern Department,  
F.C.O.

CONFIDENTIAL

pa  
MUM  
2/6



Cc. to (with encl.)

P. McKearney, Esq.,  
BAGHDAD.

S. L. Egerton, Esq.,  
UKMIS, NEW YORK.

A. B. Urwick, Esq.,  
WASHINGTON.

T. J. Everard, Esq.,  
BAHRAIN RESIDENCY.

A. C. Goodison, Esq.,  
KUWAIT.

D. F. Burden, Esq.,  
KHORRAMSHAHR.

CONFIDENTIAL



Report on a Visit to Khoeravi to see the  
Iranian Refugees from Iraq made at the  
Invitation of the Ministry of Foreign Affairs  
(May 13-15)

Most of the countries with Embassies in Tehran were represented on this group visit organized by the Ministry of Foreign Affairs. The following Embassies were not represented: -

Argentina, Australia, Belgium, Brazil, Canada, Denmark, Greece, Iraq, Kuwait, Sweden, Syria, the Soviet Union, Venezuela and Yugoslavia.

The Holy See was represented by an Iranian catholic priest not on the staff of its Mission.

2. We set forth in two buses (plastered all over with Red Lion and Sun insignia) from the Ministry of Foreign Affairs at 7 a.m. on Tuesday May 13. We were accompanied by Mr. Faramazi and Mr. Pirnia of the Press Department of the Ministry of Foreign Affairs, by a young Attache from the Ministry of Foreign Affairs and by a representative from the Ministry of War. We were under police escort all the way, which meant at times that the speed of our convoy was frightening. We had two near things. The buses were on the whole more comfortable than people had feared. We breakfasted at Qazvin at the Red Lion and Sun, had lunch at Hamadan as guests of the Government and arrived at Kermanshah at about 6 p. m. There we were taken to the Hotel Glaiol. No proper arrangements seemed to have been planned for our accommodation. We were kept hanging around in the Motel lounge for one hour while our escorting officers busied themselves with telephone calls and pencil and paper sorting out where we were to stay. I was first of all taken to a double room in the Motel, where I was just about to leap into a bath when a knock at the door stopped me and I was told that I was to be put into a better single room somewhere else. I was then carted off to a N.I.O.C. bungalow, where I found an angry group consisting of five members of the party who were busily protesting about having one bath and one lavatory only between them. I then made it six. Eventually three of the six were taken to the Hotel Bisotun. We were the guests of the N.I.O.C. for dinner. Early next morning (May 14) we left for the frontier and after spending some two hours looking at the refugee problem at Khoeravi, lunched at Gasr-e-Shirin, returning to Kermanshah in the afternoon where we were the guests of the Head of N.I.O.C. Mr. Gaffar Waziri-Tabar at his house for dinner. On May 15 we returned to Tehran brunching at the Buali Hotel in Hamadan, chelokababing at the T.B.T. restaurant at Qazvin at 5.30 p.m. and arriving back in Tehran at 7.30 p.m.

3. There were several subjects for speculation on the outward journey. First of all, the absence of the Soviet Union. On this our Iron Curtain colleagues were not very

*x. including myself*

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forthcoming. The most we could get out of them was a remark made to me by the Pole that he thought it was "a fact of some significance". However, at the end of the journey when pressed by the Pakistani, Mr. Usman for his frank opinion on why the Soviet Union had not come, Mr. Koliowski replied that "the Soviet Union did not approve of the visit". A second subject of discussion was the way we had been invited. The Pole claimed that his Embassy had been invited to send someone on a touristic trip and that no mention had been made of refugees; it was only later that he had learnt the real purpose. It would appear that in one or two cases the invitation had been a little less than candid. Another matter for chatter was who had inspired the idea of the tour, since the Minister of Foreign Affairs was out of the country when it was made. Someone had heard it on good authority that it had been at the Prime Minister's instigation. It would appear from conversations I heard, that no Embassy had been enthusiastic about participation on the visit. Several had made it a condition that the Iranians should not make any publicity out of the visit. The Bulgarian, Mr. Koliowski was as fearful of photographers as I was. Almost as adamant on this were Mr. Janowski, Poland, Dr. Schmit-Dumont, Germany, Mr. Bhat, India and Mr. Usman, Pakistan, but generally one found among those taking part in the visit an aversion in varying degrees for publicity and much speculation as to what the Iranians really expected to get out of sending us to Khosravi in view of the fact that they had pledged themselves on publicity silence for the whole operation. There was an Iranian with a battery of three or four cameras on one of the buses, and there were many anxious eyes cast in his direction. I did not see him taking any photographs before we reached Khosravi. There was also a great deal of cynicism expressed about the Iranian refugee problem which we were soon to witness. The feeling seemed to be that the Iranians were blowing the whole thing up in a very exaggerated way.

#### The Refugees

4. When we reached Khosravi we were first taken to a covered area where the refugees passed such as they were were processed. In this area where I estimated there were about 50 families sprawled on the ground and about 250 people altogether, we were harangued by our conducting officer who appeared to be an M.I.O.C. official, about the wickedness of what the Iraqis were doing. A man whom I could not see was produced whose mouth was said to have been burned by the Iraqis with burning cigarette ends. A woman was then produced, but at this stage my attention was distracted by the fact that the photographer who was a member of our party was standing up on a table behind a pillar with his lens in our direction. I immediately alerted the colleagues nearby and we withdrew from the group. My German and Bulgarian colleagues and myself then made separate protests about the photographer to Mr. Paramazi of the Press Department of the Ministry of Foreign Affairs, after the photographer had denied to me that he had taken photographs of us. Mr. Paramazi then confiscated the film in the photographer's camera and put it in his pocket. He assured us there would be no more photographs taken of us; and as far as I know there weren't. We were next taken to about 60 small tents where the refugees are received for



quarantine, before their papers are processed. There appeared to be about 100-150 men, women and children in these tents. After that we were taken to a frontier post from which we could see the Iraqi frontier border post. When some of us remarked that there appeared to be no refugees streaming across from the Iraqi side to the Iranian side, as we had read in our papers and asked why, we were given the answer that early that morning the Iraqis had telephoned to say that 35 lorries with about 350 people had arrived at the frontier, but that they were not going to send them across that morning because they knew that the Iranians arranged our visit and that we were due at Khosravi during the morning: they proposed to hold them at the Iraqi frontier until they were sure that the Embassy party had left. After that we were taken back and shown the refugees in customs where we saw about 100 people. While we were there an enthusiastic official produced a man with a faintly bruised back who was said to have been beaten by the Iraqis. The official concerned was rebuked by our conducting officer and asked to take the man away and not to do this sort of thing.

5. When I remarked to the conducting officer that many of the refugees seemed to have Iranian passports I was given the explanation that many Iranians living in Iraq were Iranian citizens and held Iranian passports which bore stamps which allowed them to reside in Iraq.

6. A young American who has recently joined U.S.I.S. and who has been a Farsi student told me that in his conversations with the refugees he did not find anyone who had been at the Iranian frontier post less than five days.

7. Most of my colleagues estimated that at the very most there were 600 so-called refugees; some of these were Pakistanis and Afghans and a percentage of them must have been part of the normal frontier traffic. We had been informed in the bus before we reached Khosravi that over 4,000 refugees had come across the frontier during the last days. When we asked where all these 4,000 were we were told that some 500 were already in Tehran and that we would see many more of them at Kermanshah in the reception centre there. Before being returned to our hotels at Kermanshah that evening we were taken to the Trade School where we were told the refugees were kept after preliminary processing at Khosravi while the authorities tried to track down any relations whom they might have in Iran and look for employment for them etc. At this Centre the most generous estimate we could make of the number of refugees we found there was 400. If one allows that there were 600 at Khosravi, 400 at Kermanshah and the reputed 500 somewhere in Tehran, that makes a maximum of 1,500 refugees altogether. But it is difficult to accept that all the people at Khosravi were genuine refugees and the figure for Tehran is a paper one until one has evidence.

8. It is not surprising that in the group we were very unconvinced and indeed cynical about the Iranian case. Most of us were joking about it. One of the Arabs, with reference to the Palestinian refugee problem, commented that the Iranians do not know what a refugee problem is.

*Once a figure  
of 7000 had been mentioned*



9. In fairness to the Iranian escorting officers, I must add that they did not pressure us with a lot of talk about what they had brought us to see.

#### Military Movement

10. During the journey we saw little sign of military activity. At what I believe was Shahabad on the Kermanshah/Khoaravi road there is a small army tank depot. In a large open field between the buildings and the main road we saw about 40 tanks and small armoured vehicles, which looked very poorly maintained, scattered in what seemed to me a very disorderly arrangement with one or two of these vehicles mainly on the two flanks with their guns aimed upwards to the sky. One or two of these armoured vehicles had personnel in or standing near them, but the majority were unattended. A bit further on we saw some infantry men scattered about on a hill. It all looked rather like O.T.C. camp at Tidworth Pennings or Tidworth Park 40 years ago. The general impression given was that on the road to the frontier at least, there was little defensive effort on the part of the Iranians and no signs of any aggressive intent, but as the Jordanian Assistant Military Attache said, who knows what might be on the other side of the hills.

(R.T. MacG.)  
17 May 1968

Mr Hengam Thanks for participation 27/4 (I have replaced them temporarily)  
UN (E.S) Dept

As you know the Iranians  
are making noises in New York -  
talking about raising the Iraqi  
treatment of 'Iranian refugees' as  
a "human right" issue. I bet that  
that will be of interest in this connection -  
Iranian claims often to be somewhat  
exaggerated!

M Hinchcliffe

PM Hinchcliffe

NEO

27.5.69

PM Hinchcliffe

2/6

RECEIVED CONFIDENTIAL  
REGISTRY  
29 MAY 1969  
NEQ 3/324/1

BRITISH EMBASSY,  
KUWAIT.  
27 May, 1969.

(3/20)

*Handwritten:* 1/5, NEQ, 2/6, Don Alex, etc.

Iran/Iraq Relations

99

Please refer to Michael Western's letter 3/40 of 6 May to Makinson. The Kuwaiti press has reported rumours that King Hussein's trip to Tehran was concerned with mediation attempts over the Shatt-al-Arab dispute. I asked the Director of the Under-Secretary's Department in the Kuwait Ministry of Foreign Affairs on 26 May whether this was so and how Kuwait's own mediatory efforts were proceeding.

2. He replied that the Kuwaiti initiative had come direct from the Amir and the Ministry of Foreign Affairs, who had acted merely as messengers, thought it had been helpful in taking some of the heat out of a tense situation. The initial reactions of both sides had been "positive" but little practical advance had been made.

3. The Kuwaiti effort had now been undertaken by the Jordanians. The trip Abdul Mun'im al Rifa'i, the Jordanian Prime Minister, made to Baghdad was concerned not with Palestine but this dispute and King Hussein was now taking up mediation personally in his trip to Tehran. The Director believed the initiative for this had come from Tehran. He added that in his own view the Jordanians were especially anxious to settle the dispute since the presence of Iraqi forces in Jordan was a useful counter to Syrian threats.

*Handwritten:* not 5, Israeli, yes!

4. Unless conditions changed, it was doubtful whether the Kuwaitis would take any further action in the matter.

*Handwritten:* Yrs sincerely,

*Handwritten:* David

(D.E.S. Blatherwick)

A. Ibbott, Esq.,  
Arabian Department,  
F.C.O.

c.c. M.C.S. Weston, Esq., Tehran  
A.E. Saunders, Esq., Baghdad  
J.A. Shepherd, Esq., Amman.

*Handwritten:* Mr Makinson line 2/6

*Handwritten:* PMMA

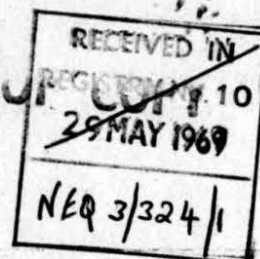
*Handwritten:* 2/6

EN CLAIR

BAGHDAD TO FOREIGN AND COMMONWEALTH OFFICE

TELNO 503 28 MAY, 1969

UNCLASSIFIED



104 105.  
ADDSD TO FCO TELNO 503 OF 28 MAY RFI TO TEHRAN  
BAHRAIN RESIDENCY, KUWAIT AND SAVING TO WASHINGTON.  
MY TELNOS 444 AND 445 . IRAN/IRAQ RELATIONS.

ALL THE IRAQI NEWSPAPERS OF 27 MAY PUBLISH A STATEMENT  
BY A SPOKESMAN OF THE MINISTRY OF THE INTERIOR WHICH REPEATS  
THE MINISTRY'S PREVIOUS ASSURANCES THAT IRANIANS LEGALLY  
RESIDENT IN IRAQ WILL BE WELL TREATED. THE SPOKESMAN  
ADDED THAT IRANIANS SHOULD IGNORE ZIONIST AND AMERICAN  
IMPERIALISTIC PROPAGANDA TO THE CONTRARY. THOSE WHO SEEK  
TO SOW FEAR AND PERPLEXITY AMONG IRANIAN RESIDENTS IN IRAQ  
WILL BE CONSIDERED SABOTEURS AND TREATED ACCORDINGLY. FCO  
PASS SAVING TO WASHINGTON

MR. EVANS.

[REPEATED AS REQUESTED]

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NEQ 3/324/1

E. IRANIAN-IRAQI RELATIONS

Iraqi Report on Iranian Ships in Shatt al-Arab

Iraqi News Agency in Arabic 10.12 GMT 22.5.69

Text of report:

Baghdad: The Iraqi News Agency correspondent in Basrah reports that Iraqi pilots are continuing to pilot ships coming from the Arab Gulf to Iranian ports, as well as ships leaving Iranian seaports on the Shatt al-Arab for the Arab Gulf. He adds that he saw a ship being piloted by an Iraqi pilot to an Iranian port in the Abadan area. The correspondent affirms that every ship passing through the Shatt al-Arab waterway hoists the Iraqi flag and the flag of the State owning the ship. He adds that all ships keep the Iraqi flag raised until they leave our territorial waters. He adds that Iran has committed two breaches since it manufactured the crisis; Iran has sent two ships to sea from its ports under escort by torpedo boats.

The correspondent says that the Iranian authorities have diverted Iranian oil from Abadan to Bandar Ma'shur port within Iranian territory for transport by tankers to the Gulf. Therefore, fewer oil tankers are now passing through the Shatt al-Arab. He adds that this measure harms the Iranian economy more than the Iraqi economy because of the high cost of transporting oil from Abadan to Bandar Ma'shur. Iraq's only loss has been fees for the passage of oil tankers. Iraqi pilots now pilot freighters only.

The correspondent adds that the activities and the positions of Iranian guns aimed at the Iraqi coast can be seen with the naked eye. He says in conclusion that he was able to read the numbers of the warships and torpedo boats berthed at the opposite bank.

Iraqi Report of Iranian Air Force Purge

Baghdad home service in Arabic 11.00 GMT 22.5.69

Text of report:

Reports from Tehran say a new campaign of dismissals, banishments and arrests has been launched in the Iranian forces. The campaign is aimed mainly at Air Force officers who refuse to condone the Iranian rulers' feverish plotting, under orders from their American masters, against Iraq and other Arab peoples. The campaign comes after a visit to Air Force Headquarters in Tehran by Gholamreza, the Shah's brother and champion of the blood baths which followed the plot against Dr. Mossadeq's nationalist rule.

The reports add that Gholamreza has ordered the immediate dismissal of 120 Air Force officers of various ranks and the arrest of many of them. It is recalled that the agent Iranian regime earlier arrested 70 Iranian officers who were dismissed following the sacking of the Chief of Staff Bahram Aryan. The campaign of dismissals and arrests is continuing at all levels in the Iranian Forces.

Iraqi Reports of Tension in Khuzestan

(a) Baghdad home service in Arabic 11.00 GMT 22.5.69

Text of report:

The Iranian regime, which is closely connected with Western imperialist circles and Israel, has resorted to new oppressive measures against certain tribal chiefs, known for their connection with the Arab homeland and firm position against

Prospect of Kuwaiti Mediation

Regional News Service in Arabic 19.50 GMT 22.5.69

Excerpt from report:

Kuwait - Press reports said here today that Kuwaiti envoys would visit Baghdad and Tehran next week in a step towards mediating officially between Iraq and Iran in their dispute over the Shatt al-Arab. The reports said the Kuwaiti envoys would carry personal messages from the Kuwaiti Ruler Shaykh Sabah as-Salim as-Sabah to the Iraqi President Ahmad Hasan al-Bakr and the Shah of Iran. The reports also said Kuwait would follow developments to decide on the possibility of the Foreign Minister Sabah al-Ahmad as-Sabah visiting Iraq and Iran. Officials have declined to confirm or deny these reports...

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[Note: The last E Appendix on this subject was published in ME/3078.]

29 MAY 1969

Cutting dated ..... 19

## Persia lays prestige on gun muzzle

ABADAN

**A** LONG the line of the muddy, shallow Shatt al Arab, the river boundary between Persia and Iraq, army units are dug in on both banks. The muzzles of heavy guns poke through the rich date palms.

Over this major oil port and the neighbouring cargo terminal at Khorramshahr, Persian Air Force jets scream in a convincing display of force. Persian ships are escorted by warships as they make their way to the Persian Gulf, while along the Iraqi bank, that country's few motor torpedo boats—without torpedoes—slink watchfully about.

This is all in the interests of as artificial a crisis as ever bedevilled international relations. Navigation of the Shatt al Arab, formed by the confluence of the Tigris and Euphrates, was regulated by a treaty signed by Iraq and Persia in 1937. By this agreement Iraqi territory was defined as including the whole of the waterway.

A joint commission was to have been set up to collect dues from ships using the waterway and to use the money to improve pilotage, dredging and so on. This was never done and for more than 30 years the Iraqis have gone it alone, without apparent damage to the river or its facilities.

### Effects of change

Persia has raised the subject of a new treaty with Iraq several times but nothing has ever happened. Now Persia has unilaterally abrogated the 1937 agreement.

The Persian Government says it is quite prepared to negotiate a new treaty, which as far as the waterway goes would be identical to the old one in all but one respect. Persia insists that the border must be moved from the eastern bank, next to Persian territory, to the deepest part of the channel, which in general coincides with the middle of the river.

The practical effects of such a change would be nil. Ships for Abadan, Khorramshahr and Basra would still have to zig-zag from side to side as they follow the dredged channel, for this is no mighty waterway, but a narrow strip of river.

At the same time, Persia wants to make some border adjustments in the northern part of the country, and with more reason, for there oil deposits go right up to the ill-defined boundary. Recently, a French prospecting team based in Iraq found itself arrested by Persian border patrols.

### Deportations

However, the river remains the focus of attention, impractical though it all sounds. The Persian stand is one of prestige. Persian ships, according to the Persian case, should not have to sail through foreign territory on their way to or from their own ports.

Iraq has now aggravated the dispute by deporting Persians, many of whom have lived in Iraq for years. So far, some 15,000 Persians, some of whom have never before been in that country, have been expelled from Iraq. Hundreds of cases of brutality by the Iraqi police have been reported and many of the refugees are in a pitiful condition.

Iraq has accused Persia of precipitating this crisis, and there seems little doubt that Persia chose the time for a showdown on this old dispute. The reason is that a power struggle is developing in this sub-region in preparation for the British withdrawal from the Persian Gulf in 1971.

Persia, easily the most powerful State in the area, is determined to extend its influence to the Gulf Sheikdoms as soon as the British leave. Iraq, acting as the "front man" for such outside interests as Russia and Egypt, is also trying to establish good relations with the tiny but financially powerful mini-States.

### Tricky manoeuvre

The danger is that some uncalculated act by either side along the border could provoke open conflict. Both sides appear to be attempting to pull back, diplomatically at least, from the tough positions they first adopted, but as in so many other parts of the world they are finding that disengagement is not the easiest manoeuvre.

The weak Iraqi Government could not agree to give up any territory, even though no practical results would stem from such a move. Persia would lose face if it backed down from its demands at a time when face is all-important.

The result is that both countries are experiencing new troubles. To embarrass the Iraqis, the Persians are quietly stepping up their covert aid to Mustafa Barzani's Kurdish rebels who have recently launched a new campaign in northern Iraq.

Persia, for its part, is being saddled with the problem of considerable numbers of refugees. It is having to waste manpower and money along the "confrontation" line at a time when all its efforts are needed for its development projects.

The Ruler of Kuwait has tried to mediate, but so far has achieved nothing. The only way out appears to be for both sides to accept a joint commission to work out a new treaty and boundary. For this to be accepted, some heavy arm-twisting by the relevant big Powers will be needed.

JOHN BULLOCH

RECEIVED IN

REGISTRY

30 MAY 1969

NEQ

(140)

This  
is what  
you wanted  
from IPD.

PMMA  
21/5

A mixture  
of good sense  
&  
Bullock's!

Enter

CPA

Mr. Bullock  
to me

on 12/5

PMMA

2/6

NE  
CR  
R  
THE TIMES  
STORM IN THE GULF

27 MAY 1969

Cut From the Ambassador of the Republic of Iraq

Sir,—On April 28 you were kind enough to publish my letter commenting on your editorial of April 21 on the Storm in the Gulf. May I now request you to allow me a few observations on the letter from the Ambassador of Iran which appeared in The Times on May-13.

Referring to what he called "unfortunate misstatements", the Ambassador of Iran seemed to question the existence of agreements in connexion with the visit to Baghdad of the Iranian delegation a few weeks ago. Your own correspondent on April 21 cabled from Teheran that "within the past 10 months a whole series of accords have been signed or negotiated between the two countries".

The Iranian Ambassador questioned our bewilderment about the timing of this Iranian action when the Arabs are engaged in "a struggle against Israeli aggression and Zionist expansion" (these are my words). But how can one explain this illegal, abrupt and violent Iranian action, when, in the Ambassador's own words, "years of representations" have been going on between the two countries.

The letter contained allegations about the treatment of Iranians in Iraq. These allegations are totally unfounded. Furthermore, I fail to see how complaints about the normal functioning of a government's internal administration and implementation of laws and regulations concerning foreign residents, can justify a unilateral abrogation of a duly-signed and internationally-recognized frontier treaty.

The Ambassador referred to what he called "the history of the unusual circumstances surrounding the negotiation of the treaty" of 1937. I have already on one occasion related to my colleague how, as a schoolboy, I took part in one of the many demonstrations which swept Iraq on the conclusion of that treaty, which resulted in Iraq conceding a part of its territory in Shatt-Al-Arab off Abadan. However, we recognized the treaty not because we liked it but because we signed it.

Obviously in this case, this is not how our Iranian neighbours feel about their international commitments. What are the reasons? Announcing the unilateral abrogation, the Deputy Foreign Minister of Iran was quoted by your correspondent to have told the Senate that "the treaty did not conform with present conditions" and "Iran would no longer admit anything but an equal division of the whole Shatt-Al-Arab". One can imagine the kind of upheaval in international relations which would take place if other countries were to follow this example. Many changes would have to be made then in the map of the world of today!

Indeed, two more reasons were given by the Iranian Ambassador: the Shatt-Al-Arab is too large to be under the control of one country and a great part of it is obtained from waters flowing from sources in Iran. One wonders if there is any basis in international law for these arguments, especially with regard to international waterways.

It is alleged that Iraq did not comply with articles 4 and 5 of the treaty of 1937, and article 2 of the attached protocol, in not accepting the "joint administration" of the waterway. The fact is that nowhere in these articles or in any other article is there any allusion to "joint administration".

Article 2 of the protocol deals with the question of the conclusion of a convention concerning the navigation. This convention has not been concluded owing to excessive and unreasonable demands of Iran, such as "joint administration", which, if accepted, would give the Iranians the rights of sovereignty in Shatt-Al-Arab, which is Iraqi territory.

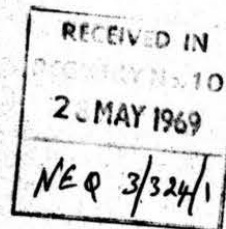
Finally, why did Iran unilaterally abrogate the treaty without first resorting to the recognized and accepted international procedures and machinery according to international law and the United Nations Charter?

Yours faithfully,  
KADHIM M. KHALAF,  
Ambassador.

Embassy of the Republic of Iraq, 21  
Queen's Gate, S.W.7.

leg & co. on 9/6  
Mr. Khalaf  
free o.r.

PRIMA 27/5



### E. IRANIAN-IRAQI RELATIONS

Iranian complaint to UN about expulsions from Iraq The Iranian Government has informed the UN Economic and Social Council that the property of more than 10,000 Iranians residing in Iraq or on pilgrimage to Iraq has been confiscated by the Iraqi Government and that these Iranians have been subjected summarily to inspection and arrest and expelled from that country. The Iranian delegate to the UN, Sadri, said in his statement that the inhumane acts of the Iraqi Government were in complete violation of the human rights declared at the human rights conference in Tehran last year and which Iraq itself had endorsed. Furthermore, when Iraq was accepted as a state in the League of Nations in 1932, it undertook to secure the freedom and the livelihood of all people in Iraq irrespective of race, language or religion. Sadri added that Iran still hoped the disputes with Iraq will be settled peacefully and on the basis of the UN Charter and international law. The expelled Iranians are now being housed in temporary camps so that efforts can be made to provide them gradually with housing and jobs. The Iranian delegate said in conclusion that torture and ill-treatment of innocent people for political purposes ran counter to all the principles that the UN was striving to safeguard all over the world. (Tehran in Persian 10.30 GMT 28.5.69)

Iranian refugees Another 146 Iranians expelled from Iraq arrived at the Khosrovi border crossing last night. So far 10,013 Iranian refugees have arrived in Iran from Iraq through the Khosrovi border. (Tehran in Persian 16.30 GMT 28.5.69)

Iraqi report of assassination attempt on Prince Gholamreza Reliable sources have said that the Shah's brother, Gholamreza, escaped an assassination attempt organised by a number of opponents to the Shah's regime when he decided not to attend a celebration in Nahr al-Yusuf village. The sources say the Iranian security authorities and soldiers accused the Arab elements in Arabistan of organising the attempt and attacked Arab citizens, looted their belongings and arrested a number of youths. Reports from Khorramshahr state that 25 Iranian soldiers died in a residential unit near the Kayliyah Palace in Khorramshahr when a building collapsed. No details are available on the causes of the collapse due to the strict Iranian censorship of papers and foreign correspondents' dispatches. (Baghdad in Arabic 11.00 GMT 26.5.69)

Ill-treatment of Iraqis in Iran The Iraqi News Agency has learnt that the ill-treatment of Iraqi nationals at the hands of the Iranian authorities is continuing. The headmaster of the primary school in Anwaz was arrested and detained at the police station and then deported. An official source has stated that these campaigns by the Iranian authorities will not affect the good treatment being enjoyed by the Iranian nationals in Iraq. Both the people and the Government of Iraq have only cordial and brotherly feelings towards the people of Iran. (Baghdad in Arabic 11.00 GMT 28.5.69)

Iraqi report on opposition to Shah A number of Iranians who left Tehran recently have stated that an organised wave of opposition to the agent Shah's regime has spread throughout Iran's big cities following the exposure of the Zionist-imperialist plot which the Iranian ruling clique is implementing against the progressive revolutionary regime in Iraq. The Iranians who reported this have close contact with Iranian Government sources. The opposition wave has not been confined to Arabistan, but has spread to other big Iranian cities, particularly Kermanshah, where the authorities have arrested a number of notables and seven officers of the Seventh Infantry Battalion. (Iraqi News Agency in Arabic 10.12 GMT 28.5.69)

NEQ 3/324/1

E. IRANIAN-IRAQI RELATIONS

Ba'th Party Statement on the Shatt al-Arab Dispute

Damascus home service in Arabic 20.30 GMT 2.6.69

Excerpts from broadcast of Ba'th Party National Command statement:

Masses of our Arab nation, at this time the Arab resistance vanguard's fight against the imperialist-Zionist occupation is intensifying; the Arab forces are repelling Israeli attacks more strongly and defeating the aggressive invaders; progressive world opinion is mounting against the Zionist colonialist invasion; and world sympathy for the Arab resistance movement is mounting.

At this particular time, the imperialist forces have resolved to incite all their tools and agents to strike heavy blows against the Arab people. Consequently, the reactionary Iranian rulers revealed their aggressive expansionist designs against the Arab homeland, placed all their strength at the disposal of the imperialist plots and revealed their firm association with British and US oil monopolies.

The Shah's reactionary Government has implemented part of the aggressive role entrusted to it by imperialism. It has surprised the world by abrogating the 1937 agreement concluded between the Iraqi and Iranian Governments - the agreement which regulates navigation on the Shatt al-Arab. It has concentrated its Armed Forces opposite Iraqi territory, mined the Shatt al-Arab and threatened to use force against Iraq. It then began to use the river in a provocative manner while protected by units of its Armed Forces. In addition to all this, it has opened the river dams and inundated Iraqi towns and farms.

The Iranian Government's aggressive actions are a blatant infringement of international law on border agreements and a flagrant aggression against Iraq's territorial sovereignty. These actions, furthermore, are revealed as the first step in a savage conspiracy to stab the Arab nation in the back while it is confronting the misfortune of the imperialist-Zionist aggression.

These suspicious Iranian actions come at the same time as imperialist plans for the Arabian Gulf area. In particular, a meeting was held in Tehran by the CENTO Powers under the leadership of the USA and Britain. The reactionary Iranian ruling circles could not hide their suspicious actions, which aim at: (1) Preoccupying Iraq with side battles to make it move its fighting resources from the front facing the expansionist Israeli aggression. This unequivocally proves the complete co-ordination of the role entrusted to Israel and that entrusted to the agent Iranian regime. (2) Using the Arab nation's misfortune to achieve their expansionist ambitions in the Shatt al-Arab area, southern Iraq, and the Arabian Gulf. (3) Attempting to harm Iraq's reputation and position with the Arab people in the Arabian Gulf before isolating Iraq and (?preventing) it from carrying out its nationalist role in this area, where the Iranian Government wants to act as the imperialist claw in the interest of the British and US oil monopolies.

Masses of our fighting people, the imperialist Powers, which created Israel as a military camp in the Arab homeland to strike at the aspirations of the Arab people and divide them, are the same Powers that used Iran's reactionary Government in a role similar to Israel's. The Iranian Shah's Government has savagely intervened against the Arab people in Yemen and pursued various destructive actions against Iraq. The Iranian Government did not hesitate to supply aggressive Israel with the oil used by the Zionist enemy in operating his destructive equipment against the Palestinian Arab people and against the Arab countries.

The Iranian Shah's Government unhesitatingly exchanged military experience with Israel and converted Iran into a den for Israeli and US espionage networks against the Arab countries. It did not hesitate to turn Iranian territory into a passage through which Israeli products infiltrated the Arab countries surrounding the Arabian Gulf.

Most serious of all, some time ago the Iranian Government began to implement its expansionist ambitions in the Gulf area, by using the Zionist invasion method of infiltrating a large number of people under British protection and with British collusion. In this way the Shah's Government intends to concentrate the largest possible number of Iranian communities in the Arabian Gulf countries. These communities would create a (?majority), the imperialist influence would then spread, and imperialist influence would then be established in the Gulf Amirates and Shaykhdoms at a suitable time. Thus, the ruling Iranian reactionary quarters are working to transform Iranian communities in the Gulf Amirates into colonialist tools ready to implement the domination plan being prepared under Anglo-US influence.

Preparatory to all this and in implementing the imperialist plan, the US and British Governments have given large quantities of modern naval, air and land armaments to the Shah's Government in addition to financial support and combat advice. Iran is thus being turned into an aggressive Power in the area so that it can carry out its role fully of serving the imperialist oil interests and asserting its domination over the Arabian Gulf...

The Iranian Government, which at the beginning of the century extended its domination over the Arab people in the Arabistan area in collusion with the imperialist British authorities, now intends to extend its domination over the rest of the Arab countries in the Gulf area and to practise the same oppressive methods applied against the people in Arabistan. While promoting Iranian immigration to the Amirates and Shaykhdoms in the Gulf, the Shah's Government is assuming various aggressive pretexts to usurp parts of the Arab homeland. The Iranian Government does not even conceal its ambitions regarding the oil wealth in the Gulf countries...

The Arab masses in the Gulf area must rise and resist this aggressive invasion disguised as gradual infiltration, which will turn into bloody massacres like those the aggressor Israel has caused and continues to cause. The Arabs of the Gulf will soon face mass extermination and eviction so that alien elements can take over their land, property and resources.

The Socialist Arab Ba'th Party warns the Rulers and Shaykhs in the Gulf area, and will consider them responsible for any negligence regarding the national (Arabic: qawmiyah) rights of the Arab people in the area. It condemns the suspect, weak attitudes towards the Iranian penetration, and condemns the condonement of Iranian domination of the destinies of the Arab people in the Gulf...

The Socialist Arab Ba'th Party calls on the Arab masses, particularly those in the Gulf, to renew their fight to foil the imperialist Anglo-American plans against the interests of the Arab people in the Gulf area and in Iraq, in collusion with Iranian reaction; and condemns the policy of oppression, suppression of freedoms, starvation and ignorance practised by the reactionary Iranian Government against the Arab people in Arabistan. It calls on the masses and the progressive forces of the Iranian people to block the road to the Shah's Government, which is deeply involved in its subservience to Anglo-American imperialism, and to prevent Iran from being a staging point and an instrument for executing the aggressive imperialist-Zionist plans at the expense of the true interests of the friendly Iranian people. It calls on the national forces in Iran to oppose the regime of the agent Shah, which colludes with imperialism and which has allowed the imperialists and Zionists to rob Iran's resources; and it calls on the world's progressive forces to condemn the reactionary Iranian movement which is colluding with world imperialism. (Signed) The National Command of the Socialist Arab Ba'th Party.

#### Reports in Brief

Iranian refugees from Iraq (Excerpt) At a press conference devoted to the plight of Iranians expelled from Iraq, the Secretary General of the Iranian Human Rights Commission said in Tehran tonight that up to yesterday 14,314 Iranians forced out of Iraq had crossed Iranian land and sea border crossings. (Tehran in Persian 16.30 GMT 2.6.69)

AL KAYHAN

Cut Int File PATTM 4/6

NEQ3/324/1

# Jordan hopeful of solution to Shatt dispute

AMMAN, Saturday, Cables.

THE Irano-Iraqi dispute over the Shatt al-Arab border river may soon be resolved, thanks to Jordanian mediation, informed sources said here tonight. Premier Abdul Moneim al-Rifa'i said on his return from a short trip to Baghdad that he had seen "encouraging signs" that could lead to a solution.

Earlier this afternoon, Rifa'i was quoted by Radio Baghdad as saying shortly before leaving for Amman that he was "very satisfied" with the results of his talks with the Iraqi rulers.

"With the help of Allah," Rifa'i was quoted as saying, "the situation is developing in a satisfactory way."

Rifa'i held extensive talks with Iraqi President Ahmad Hassan al-Bakr and his top aides, including Deputy-Premier Saleh Mahdi al-Amman, and other members of the military junta. He also had an hour-long meeting with Iraqi Foreign Minister Abdul Karim al-Shelhi.

Jordan offered to mediate in the two-month-old dispute over a week ago. The offer was followed by a trip to Tehran by King Hussein and Rifa'i, who held extensive talks with the Shah, anshah and senior officials on the Shatt issue and other developments in the Middle East.

Informed sources said here tonight the Jordanian Premier had apparently succeeded in impressing on Baghdad authorities Iran's genuine desire for a peaceful and just settlement of the dispute.

Meanwhile, reports from Baghdad said that the regime's propaganda machinery was toning down its campaign of invective against Iran. This was seen by observers here as an indication that the Iraqi junta had realized it stood to gain nothing by worsening its already strained relations with Iran.

The crisis was precipitated by an Iraqi threat to fire on ships flying the Iranian national flag in the 60-kilometre-long border waterway and a subsequent massing of troops on the Iraqi side of the frontier.

Iran reacted by boosting its defensive forces in the region and by rejecting its disavowal of the 1937 Frontier Treaty.

(Continued on page 2)

## Jordan

(Continued from page 1)

navigation in the Shatt. It also announced that Tehran would be fully prepared to negotiate a new pact recognizing the sovereignty of both states over the border river, which is the estuary of the rivers Tigris, Euphrates and Karun.

In other developments, reports from Kuwait said that the Iranian ambassador to the emirate, Gholamreza Tajbaksh, was received in audience by Emir Sabah as-Salem as-Sabah. Tajbaksh delivered a special message to the Emir from the Shah.

Kuwait was the first country to offer its good offices for the settlement of the Irano-Iraqi dispute and it is believed intensive diplomatic activity was initiated by the Kuwaitis in both Tehran and Baghdad.

According to observers, both Kuwait and Jordan appreciated Iran's legitimate grievances over the Shatt issue. They are also reported to have urged the Iraqi Government to reconsider its intransigence over a treaty which "would be impossible to revive."

NEQ  
3/22/69

KAYHAN INTERNATIONAL

27 MAY, 1969.

## TURKEY BACKS SHATT STATUS

by Shapour Nemazee

TURKEY yesterday recognized the de facto situation in the Shatt al-Arab created by the Iranian move to establish the borderline in the frontier waterway at taking.

Turkish Foreign Minister Ihsan Sabri Caglayan told the opening meeting of the CENTO Ministerial meeting yesterday that "the importance of the de facto situation created by the difficulties of free navigation on the Shatt al-Arab is undeniable."

Iran announced last month that it considered the 1937 treaty with Iraq which restricted Iran's navigational rights on the Shatt as invalid. Iran has urged negotiations for a new treaty with Iraq giving both countries equal sovereign rights over the waterway as recognized by international law.

Caglayan praised the "constructive attitude" of Iran and Saudi Arabia in the Persian Gulf. He said that the "favourable atmosphere" in the Persian Gulf constituted "almost the only glimmer" in a crisis-ridden world.

(Continued on page 3 Col. 5)

### Turkey

(Continued from page 1)

Caglayan said the Arab-Israeli conflict was still "fraught with serious dangers" and the "chances of a definite settlement" of the Vietnam war was still not in sight.

Both the Cyprus and Kashmir issues had not yet been solved and, "in addition to all these unsettled disputes," a new "important political event" in Europe aggravated international tension. "In Europe, in fact, the hopes of a 'detente' were considerably discouraged by the Czechoslovak events of last year," Caglayan said.

(Continued on page 3 Col. 5)

BORDER DISPUTE MUST BE SOLVED ON BASIS OF EQUITY

# CENTO BACKS IRAN OVER SHATT ISSUE

## Nemazee

Iran partners in Cento Treaty organization — Pakistan, Turkey, Britain and United States — yesterday threw their support behind the country's stand in the recent dispute over navigational rights in Shatt al-Arab.

In a communique issued at the end of the two-day Ministerial Council session, member countries agreed that the Shatt dispute should be solved according to "international law, equity and justice."

Sources close to the board that drafted the communique emphasized that the word "equity" meant equal and joint use of the frontier river by Iran and Iraq, according to the talweg principle.

Iran declared in 1957 that it was ready to negotiate a new agreement "in keeping with the principles and practice of international law, equity and justice."

"The Council," the communique said, "expressed its hope that the present dispute would be resolved in a peaceful and satisfactory manner, in keeping with the principles and practice of international law, equity and justice."

It hoped that the same principles would be applied in peacefully settling Arab-Israeli dispute, the Vietnam and Cyprus problems and the Kashmir and Farakka disputes.

The communique also said it had been decided to set up a new body within CENTO to study the industrial development of Iran, Pakistan and Turkey.

The communique noted that economic and social development in Iran, Pakistan and Turkey was moving at a faster pace than in other parts of the world.

It further endorsed the report of the CENTO Military Committee and underlined the progress being made in "different fields of co-operation."

It said "economic collaboration constitutes a key element of the CENTO partnership" and thanked the United States for the guidelines given at the last economic committee supporting "this collaboration."

The communique also observed that the Multilateral Technical Co-operation Fund was serving the technical self-sufficiency of the member countries and hoped "for continuing progress in this field."

It said the next Ministerial Council meeting, the 17th, would be held in Washington on May 11, 1970.

Regy Pass 4 SUMMIT AL ARAB

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- 2 JUN 1969
FILE
NEQ 3/324/1

EN CLAIR  
IMMEDIATE KUWAIT TO FOREIGN AND COMMONWEALTH OFFICE  
TELNO 200  
UNCLASSIFIED

1 JUNE 1969

ADDRESSED TO FCO TELEGRAM NUMBER 200 OF 1 JUNE REPEATED  
FOR INFORMATION TO UKMIS NEW YORK, TEHRAN, BAHRAIN RES. ,  
BAHRAIN AGENCY, AND SAVING TO BAGHDAD, CAIRO, BEIRUT, AMMAN,  
TELAVIV AND JEDDA.

AR RAI AL - AM OF 1 JUNE CARRIED AN EXCLUSIVE INTERVIEW  
WITH THE SHAH BY ITS OWNER , ABDUL AZIZ AL MASA'ID ;  
THE SALIENT POINTS OF WHICH ARE AS FOLLOWS COLON

(1) U . A. E. AND BAHRAIN.

WE LEAVE THE FUTURE OF BAHRAIN TO A PLEBISCITE TO BE HELD  
UNDER UNITED NATIONS SUPERVISION . WE SHALL RESPECT THE  
OUTCOME OF SUCH A PLEBISCITE WHATEVER IT IS .

(THE ARABIC WORD TRANSLATED PLEBISCITE IS ISTIFTA).

IF THE PLEBISCITE FAVOURED THE INDEPENDENCE OF BAHRAIN ,  
THEN IRAN WOULD RECOGNISE BAHRAIN'S INDEPENDENCE , ESTABLISH  
GOOD RELATIONS WITH HER AND HELP HER .  
IRAN HAS NO AMBITIONS IN THE GULF , ONLY DESIRING ITS STABILITY .  
HER ATTITUDE TOWARDS THE U.A.E. IS WELL KNOWN , BUT NO  
FINAL ATTITUDE CAN BE ADOPTED UNTIL THE FUTURE OF BAHRAIN  
HAS BEEN SETTLED.

(2) U.A.R. AND IRAN.

IRAN HAS NO OBJECTION TO RESUMING DIPLOMATIC RELATIONS WITH  
THE U.A.R. , IF THE U.A.R. MAKES THE FIRST MOVE AND APOLOGISES  
FOR THE RUPTURE WHICH SHE HAS CAUSED .

Ru P. M. 2/6

/(3)

(3) PALESTINE .

IRAN GIVES UNQUALIFIED SUPPORT TO THE ARABS AND DENOUNCES THE USE OF FORCE IN SOLVING DISPUTES.

DEMANDING ISRAEL'S WITHDRAWAL FROM THE OCCUPIED TERRITORIES, SUPPORTING THE SECURITY COUNCIL RESOLUTION AND DEEMING DR . JARRING'S RETURN TO THE AREA NECESSARY FOR A SETTLEMENT.

(4) IRAN-IRAQ.

IRAQ INCLUDING THE SHATT EL - ARAB WAS BRITISH - RULED IN 1937, AND HER SHIPS USED THE RIVER.

THOSE WERE CONDITIONS IN WHICH THERE WAS NO OPPORTUNITY FOR EQUAL STATUS.

TODAY THE SITUATION IS DIFFERENT, FOR ONE COUNTRY CANNOT CONTROL THE NAVIGATION OF AN INTERNATIONAL WATERWAY SEPARATING TWO COUNTRIES.

IRAN WOULD WELCOME A LEGAL INTERNATIONAL WAY OF SOLVING THE DISPUTE , BUT IF THIS FAILS WOULD TAKE ANY NECESSARY MEASURES TO PRESERVE HER RIGHTS .

YOU HAVE PERHAPS NOT FORGOTTEN HOW THE TIRAN STRAITS ISSUE WAS RESOLVED IN SPITE OF THE DIFFERENCE , OF COURSE , IN THE CIRCUMSTANCES .

FCO PASS SAVING TO BAGHDAD , CAIRO, BEIRUT, AMMAN, TELAVIV AND JEDDA.

MR. GOODISON

/REPEATED AS REQUESTED/

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NEQ 3/324/1

KAYHAN - IRAN.

25 MAY 1969.

## JURISTS UPHOLD IRANIAN MOVE

The Iranian Committee for the Organization of the Islamic Conference, affiliated to the International Association of Islamic Jurists, has approved the move by the Government of Iran to abrogate the 1937 Iran-Iraq border treaty, declaring it fully corresponds to international law.

In an announcement released yesterday, the committee said any navigable river running through the territory of more than two countries and leading to an open sea is an international waterway.

"The Shatt-al-Arab separating Iranian territory from Iraq and flowing into Persian Gulf is the case application of this rule," the announcement said.

## Jurists

(Continued from page 1)

It invoked article 50 of the regulations concerning conventions, ratified by the International Law Commission of the United Nations, and stated that according to this article treaties made in contradiction to accepted rules of international law were invalid.

By the same token, the committee argued, the 13-article border treaty of 1937 on Shatt-al-Arab, signed during a time of peace when Iraq was under British domination, did not correspond to the basic principles of international law.

The statement cited Iraq's repeated failure to enforce the treaty's requirements and said that the failure by one party in a bilateral treaty to comply with the treaty's basic principles authorized the other party to regard the treaty as null and void. The Iran's move was justified by the standards of international law.

PA MUM

2/6

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SAVING TELEGRAM

FROM NEW YORK TO FOREIGN AND COMMONWEALTH OFFICE

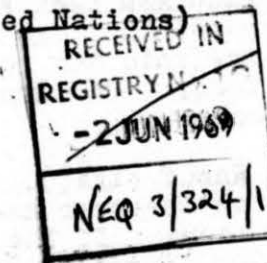
(United Kingdom Mission to the United Nations)

By Bag

Lord Caradon

No. 75 Saving

29 May, 1969



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Addressed to Foreign and Commonwealth Office telegram No. 75 Saving of 29 May, repeated for information Saving to Tehran, Baghdad and Rawalpindi.

Milton's letter 18/136/2 of 20 May to Wilberforce (not copied).

Iranians in Iraq

There was an exchange of statements by the observers of Iran and Iraq in the Social Committee of ECOSOC on 27 May in connexion with the report of the last session of the Human Rights Commission.

2. Sadry (Iran), said that Iran had condemned violations of human rights wherever they occurred, particularly in Southern Africa and the Middle East. It had played a full part in international efforts to secure the achievement of human rights and in this spirit had inter alia acted as host to the International Conference on Human Rights in 1968. It was with great regret therefore that his Government felt obliged to draw attention to the sufferings of Iranian nationals in Iraq. The Iraqi authorities had subjected a large number of Iranian pilgrims and others living in Iraq to illegal search, seizure and expulsion. By 19 May more than 10,000 Iranians had been driven back into Iran and were now living temporarily in emergency camps constructed by the Iranian Government. This action by the Iraqis was in violation of the Universal Declaration of Human Rights, the Tehran Proclamation, and the agreement which Iraq had entered into on becoming independent, by which it had undertaken to give full and complete protection to all without distinction on any grounds. Iraq's attitude towards Iranian nationals had added a new dimension to the problem of peace and security posed by the border dispute. Nevertheless, the Iranian Government still hoped that it would be possible to settle these matters peacefully. The observer concluded by making two suggestions. First, that the Economic and Social Council should inform Iraq of its concern that

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Mr. Sadry 9/6 pa. human  
Mr. Wilberforce 6/6  
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human rights should be respected. He cited in this context Security Council Resolution 237 and General Assembly Resolution 2252 in which all the governments concerned in the Middle East conflict had been asked to ensure such respect. Secondly, he suggested that the Council should ask the Secretary-General to enquire into the position concerning human rights in both Iran and Iraq. The Iranian Government for its part would welcome a mission.

3. Raouf (Iraq), in a right of reply, claimed that the Iranian observer had presented a distorted picture of the situation. If the situation were in fact as bad as the Iranian observer had suggested and if the Iranian Government were really ready to settle the matter, the problem could already have been solved. Unfortunately, the Iranian Government had so far declined to cooperate. There had been a large Iranian community in Iraq for generations, which was treated generously in accordance with Iraqi laws. The majority of the Iranian pilgrims who came to Iraq travelled under valid documents. A large number of pilgrims and others however entered the country illegally, took up residence and failed to meet their obligations, e.g. non-payment of taxes. Many of these people were "draft dodgers", smugglers and other undesirables who wanted to leave Iran for one reason or another. Their presence in Iraq was a danger to the economic and social well-being of the country. The Iraqi Government had tried to remedy the situation and enter into negotiations with the Iranian Government. During the visit of an Iranian delegation to Baghdad in February 1969 the Iraqi Government had submitted several draft agreements touching on the problem. The Iranian delegation had seen fit however to leave Baghdad after only two meetings and no progress had been possible. It was wrong of the Iranian Government to argue that the problem involved human rights considerations. No individual could be expected to claim a privileged status in Iraq. The Economic and Social Council was not competent to deal with the political aspects of the situation and he would not go into these.

4. At the end of the meetings on 28 May, Haque (Pakistan) expressed sadness at having heard the statements by the observers from Iran and Iraq. He expressed the hope that if human rights were involved the two governments would settle their differences amicably in accordance with the Charter.

5. No other delegation has spoken on the subject and it seems likely that following the Pakistani statement the incident is regarded as closed. According to what the Pakistanis have told us privately it is most unlikely that in the short time remaining before the item is concluded Iran will seek to persuade some other delegation to table a proposal incorporating the two suggestions made by their observer. The Pakistanis themselves would not be prepared to do this.

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ROUTINE TEHRAN

TO FOREIGN AND COMMONWEALTH OFFICE

TELEGRAM NUMBER 499

29 MAY 1969

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ADDRESSED TO FOREIGN AND COMMONWEALTH OFFICE TELEGRAM NUMBER 499  
OF 29/5 REPEATED FOR INFORMATION TO BAGHDAD AND WASHINGTON No. 9

RECEIVED IN
- 2 JUN 1969
NEQ 3/324/1

NEP 3/348/1

MY TELEGRAM NO 495 (NOT TO ALL).

SECRETARY OF STATE'S CALL ON THE IRANIAN FOREIGN MINISTER  
SHATT-EL-ARAB.

HAVING COMMENTED THAT THE BRITISH PRESS HAD IN THE MAIN REPORTED  
THE CENTO CONFERENCE IN FACTUAL TERMS AND HAD ASSESSED CENTO AND  
THE CONFERENCE AS USEFUL, MR STEWART SAID THAT HE WOULD NO DOUBT  
BE ASKED ON HIS RETURN TO LONDON ABOUT THE SHATT-EL-ARAB DISPUTE.  
HE HAD NOTICED THAT THE ENGLISH LANGUAGE PAPERS IN TEHRAN HAD IMPLIED  
SUPPORT FOR THE IRANIAN CASE ON THIS FROM THE OTHER CENTO POWERS.  
IF HE WAS ASKED WHETHER HMG SUPPORTED IRAN HE WOULD HAVE TO DRAW  
ATTENTION TO THE ACTUAL WORDS OF THE COMMUNIQUE. HE THOUGHT IT RIGHT  
IN TERMS OF OUR RELATIONSHIP WITH IRAN TO TELL MR ZAHEDI THIS QUITE  
FRANKLY.

2. MR ZAHEDI SAID THAT THIS POINT HAD BEEN RAISED AT HIS PRESS  
CONFERENCE. IRAN WAS MERELY SEEKING JUSTICE AND EQUITY IN ACCORDANCE  
WITH INTERNATIONAL LAW; WHY THEREFORE SHOULD ANYBODY WITHHOLD  
THEIR SUPPORT? IT WAS TRUE THAT THEY EXPECTED MORE FROM THEIR FRIENDS  
BUT HE COULD NOT SEE WHY ON THIS ISSUE THE IRAQI GOVERNMENT SHOULD  
TAKE THEIR PRESENT LINE: IT WAS SURELY IN THE INTERESTS OF BOTH TO  
REACH A SETTLEMENT. THE IRANIAN AMBASSADOR HAD RECENTLY TOLD THE  
IRAQI FOREIGN MINISTER THAT IRAN WAS READY TO DISCUSS A SETTLEMENT  
BUT IT COULD NOT BE ON THE BASIS OF THE 1937 TREATY. IRAN HAD SHOWN  
GREAT PATIENCE OVER NUMEROUS PROVOCATIONS WITH THE IRAQIS, SUCH AS

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-2-

BORDER INCURSIONS AND NOT LONG AGO THE BOARDING OF AN IRANIAN COASTAL CRAFT BY AN IRAQI PATROL BOAT.. IRAN DID NOT WANT TO ATTACK IRAQ BUT SHE WOULD DEFEND HERSELF. IF IRAQ DID ANYTHING SILLY SHE WOULD HAVE TO PAY THE PRICE. THEY WOULD BE HAPPY TO LIMIT DISCUSSION IN THE FIRST INSTANCE TO THE QUESTION OF NAVIGATION BUT IF THAT WAS TO BE SETTLED COMPENSATION ON THE BASIS OF ARTICLES 4 AND 5 OF THE 1937 TREATY WOULD HAVE TO BE PAID FOR THE LAST 32 YEARS. NATURALLY IRAN EXPECTED FROM HER FRIENDS, A FRIENDLY GESTURE.

3. MR STEWART REPEATED THAT IF HE WAS QUESTIONED ABOUT THIS HE WOULD HAVE TO DRAW ATTENTION TO THE WORDING OF THE COMMUNIQUE. MOREOVER, HE FELT BOUND TO SAY THAT HMG COULD NOT ACCEPT ANY SUGGESTION THAT THE 1937 TREATY WAS DUE TO ANY IMPROPER ACTION BY US. IRAQ HAD BEEN INDEPENDENT AT THE TIME AND SO HAD IRAN. IT WAS TRUE THAT AS THEY WERE PERFECTLY ENTITLED TO DO HMG HAD MADE REPRESENTATIONS TO THE IRAQI GOVERNMENT IN SUPPORT OF HER INTERESTS BUT NOTHING HAD BEEN IMPOSED ON IRAQ, STILL LESS ON IRAN. IF THE TREATY WERE A NULLITY, WE CERTAINLY COULD NOT ACCEPT THAT THIS WAS DUE TO ANY ACTION OF OURS.

4. MR ZAHEDI SAID THAT HE WAS NOT SEEKING TO BLAME HMG NOW FOR THE ACTS OF THEIR PREDECESSORS. HE KNEW THAT THE BRITISH GOVERNMENT NOW REJECTED COLONIALISM AND IMPERIALISM. BUT THE PUBLISHED DOCUMENTS SHOWED THAT AT THE TIME OF THE TREATY BRITAIN HAD SOUGHT TO INFLUENCE THE IRAQI GOVERNMENT IN THE DIRECTION OF HER OWN INTERESTS. MR AFSHAR CORROBORATED THIS AND ADDED THAT AS FOR THE INDEPENDENCE OF IRAQ, SUCH INDEPENDENCE HAD ONLY BEEN ACCEPTED BY THE LEAGUE OF NATIONS AFTER 18 MONTHS' DEBATE AND THE IRAQI GOVERNMENT OF TODAY WOULD NOT ACCEPT THAT THEIR PREDECESSORS HAD BEEN TRULY INDEPENDENT IN THE 1930'S.

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TEHRAN TELEGRAM NO. 499 TO FOREIGN AND COMMONWEALTH OFFICE

-3-

5. MR. STEWART SAID THAT HE COULD NOT ACCEPT THE VALIDITY OF THESE

ARGUMENTS. AS REGARDS PUBLIC COMMENT HE REPEATED THAT IF ASKED HE WOULD HAVE TO REFER TO THE CENTO COMMUNIQUE AND MAKE IT CLEAR THAT WE COULD NOT ACCEPT THE SUGGESTION THAT WE HAD ACTED IMPROPERLY.

6. MR ZAHEDI SAID THAT, FOR THE FUTURE IRAN WOULD BE SATISFIED WITH A BOUNDARY ON THE LINE OF THE THALWEG WHICH WAS ACCEPTED EVERYWHERE ELSE IN THE WORLD EXCEPT IN THE SHATT-EL-ARAB AS A NORMAL BORDER. IRAN WISHED TO HAVE GOOD RELATIONS WITH ALL HER NEIGHBOURS. WHY WAS IT PROVING SO DIFFICULT ONLY WITH IRAQ? WHEN RUSSIAN SUPPLIES WERE BEING FERRIED TO IRAQ FOR THE ARAB-ISRAEL WAR IRAN HAD MADE NO DIFFICULTY OVER THE FLIGHTS. SHE HAD REACHED A SATISFACTORY AGREEMENT WITH SAUDI ARABIA OVER THE MEDIAN LINE WHICH, BY ADJUSTING THE LINE IN A FAIR MANNER, HAD AVOIDED AN ACRIMONIOUS DEBATE IN THE MAJLIS CRITICAL OF SAUDI ARABIA. IT WAS IN THIS SPIRIT THAT IRAN WISHED TO SETTLE THE PROBLEM AND HOPED FOR THE SUPPORT OF HER FRIENDS.

FCO PASS BAGHDAD AND WASHINGTON.

[REPEATED AS REQUESTED]

SIR D. WRIGHT

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B27 IRAN WOULD WELCOME INTERNATIONAL SETTLEMENT OF WATERWAY DISPUTE:  
SHAH

NE  
(CRNS, BEIRUT) KUWAIT: 'AL-RAY AL-AMM' TODAY PUBLISHED AN INTERVIEW GRANTED TO ITS PROPRIETOR, ABD AL-AZIZ AL-MASAIID, BY THE SHAH OF IRAN. REGARDING HIS COUNTRY'S DISPUTE WITH IRAQ OVER THE SHATT AL-ARAB, THE SHAH STRESSED THAT ANY RIVER SEPARATING TWO COUNTRIES +SHOULD BE RULED THE SAME WAY AS ANY INTERNATIONAL WATERWAY+. HE ADDED THAT +THERE ARE INTERNATIONAL AND LEGAL METHODS FOR SOLVING DISPUTES, AND WE WELCOME THE USE OF THEM.+ AT THE SAME TIME, THE SHAH WARNED THAT FAILURE TO SOLVE THE DISPUTE THROUGH INTERNATIONAL MEANS +WILL COMPEL IRAN TO PROTECT ITS RIGHTS THROUGH WHATEVER MEANS IT CONSIDERS SUITABLE+.

MF BBC MON 1/6 ZA 1835

RECEIVED IN

B28 SHATT AL-ARAB: JORDANIAN PREMIER OFF TO BAGHDAD

*NE*  
(AMMAN RADIO) PREMIER ABD AL-MUNIM AL-RIFAI LEFT AMMAN AT  
ON TODAY FOR BAGHDAD ON AN URGENT MISSION. HE WILL BRIEF  
IRAQI OFFICIALS ON THE RESULTS OF KING HUSSEIN'S TALKS WITH  
THE SHAH OF IRAN ON THE SHATT AL-ARAB QUESTION.

AL-RIFAI WILL RETURN TO AMMAN TOMORROW.

END BBC MON 1347 30/5 KB KY

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3 JUN 1969
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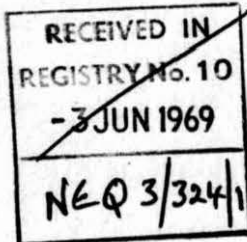
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BRITISH EMBASSY,  
PRAGUE.

28 May, 1969.

(3/72)



Nothing very new here. But the language on page 7 (3<sup>rd</sup> §) is identical with that used by Mr. Bakel in his letter to the President of the Security Council. This shows that he was acting on instructions & not producing the text himself, as Mr. Aram here implied. I should send a brief ack. to Mr. Rich. *MM 3/5*

Dear Antony,

The Shatt-Al-Arab: Iranian propaganda

--  
You may be interested to have a copy of the attached memorandum which turned up from the Iranian Embassy in Prague and which they have doubtlessly circulated to other diplomatic missions and to the Czechoslovak press. The Persian Gulf and its problems do not give rise to much interest here, and I expect that most of the copies circulated will find their way straight into people's wastepaper baskets. The Iranian Embassy in Prague are not normally the most active of diplomatic establishments and I would guess that this publication arises from a circular directive from Tehran.

2. You will note that there are three references to the British - on pages 4, 7 and 8 - but I do not think that they are sufficiently unpleasant to warrant a complaint to the Iranian Embassy.

No but he could use our standard line.

Yours ever,

*John Rich*

(J. R. RICH)

P.S. I am not keeping a copy of the enclosure.

A. A. Acland, Esq.,  
Near Eastern Department, F.C.O.

*Draper*

*h.a. MM 5/6*

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**THE IMPERIAL IRANIAN EMBASSY  
PRESS & INFORMATION SECTION  
TEHRAN**

**IRAN AND SHATT-AL-ARAB**



**May 1969.**

The Imperial Iranian Embassy of Iran deems it necessary to bring herein some clarification with regard to the crisis created by the Government of Iraq, leading to the abrogation of the 1937 Treaty in its entirety.

1) The grave situation created in Shatt-ul-Arab is the making of Iraqi Government by its persistent refusal through thirty two years to carry out its treaty obligations. The Iraqi Government resorted to intimidation and vilification combined with a policy of threat against the Imperial Government in its attempts to deny Iran its sovereign rights in Shatt-ul-Arab.

On 15 April 1969, the Under-Secretary for Foreign Affairs of the Government of Iraq, at a meeting held in Baghdad with His Imperial Majesty's ambassador, asserted sole and exclusive rights over the Shatt-ul-Arab, and demanded that Iranian ships sailing the river should lower their flags whilst in those waters. Moreover, he also demanded that Iran withdraw Iranian naval personnel on board such boats. Failing compliance, he threatened that the Iraqi Government will forcibly eject such personnel and lower the Iranian flag and, in future, will not allow any boat sailing towards Iranian ports to enter in the Shatt-ul-Arab.

In effect, this constituted not only a threat but also a demand for surrender by Iran of its sovereign rights in Shatt-ul-Arab. It goes without saying that no sovereign and independent Government would countenance such threats or permit its sovereignty to be thus impaired. As was said

clear in the statement of 19 April 1969, by the Deputy Foreign Minister of Iran, we shall not be intimidated by such threats of force, nor shall we permit anyone to dishonour our flag. It must be made abundantly clear that we shall spare no effort to safeguard our sovereign rights and national dignity in accordance with the Charter of the United Nations. The measures which my Government has so far taken to enable its commercial and all other vessels to resist the unlawful and vexatious acts of interference with them by the Iraqi authorities are a minimum exercise of its sovereignty, and indicate the restraint which we continue to show in the face of persistent Iraqi encroachments on Iranian rights.

2) Article 5 of that Treaty, after having stipulated "the common interest" of both contracting parties "in the navigation of Shatt-al-Arab", calls on Iran and Iraq to

"conclude a convention relating to maintenance, and amelioration of the navigable route, dredging, pilotage, dues to be collected, sanitary measures, measures to be taken to prevent smuggling, as well as all questions concerning navigation of the Shatt-al-Arab as it is defined in Article 4 of the Treaty."

The Protocol attached to the Treaty required the Parties "to conclude the convention foreseen in Article 5 of the Treaty within a year after the Treaty comes into force." In the nearly thirty-two years since the date of the Treaty, Iran's continuous and untiring efforts, both through ordinary diplomatic means and by sending special missions to Baghdad, to conclude the required convention and to bring the matter to a mutually satisfactory

conclusion, have proved ineffective.

The Government of Iraq defeated each of these conscientious efforts by dilatory replies, appeals to the patience and understanding of the Iranian Government, and evasions falling just short of outright repudiation of the obligation to conclude the convention.

The Government of Iraq's conduct is easy to explain when one realizes that by failing to conclude the required convention in the time stipulated, it has, for more than three decades, turned to its own uses the large sums of monies it has collected in dues from vessels using the common waterway, without rendering any form of accounts to its Treaty partner.

The Treaty states that :

"during the one year delay mentioned in the first paragraph of this Article and during the extension by common accord between the High Contracting Parties of this delay, if this extension takes place... of all questions to be regulated by this Convention."

The Government of Iran did not agree to an extension of this privilege beyond the first year, though it did seek repeatedly, as already mentioned, to conclude the required Convention. Accordingly, Iraq had no right after that year ended to take charge of or regulate anything affecting the navigation of the Shatt-Al-Arab without the consent of Iran. This consent was never granted or, indeed, ever asked for.

The Government of Iraq undertook in the Treaty to "keep, through annual communications, the Imperial Iranian Government informed of the work executed, the dues collected, the expenses made and of all other measures undertaken." No such

communications were ever made.

The Treaty also provided that

"all duties collected will have the character of compensation and will be directed exclusively to cover, in an equitable manner, the costs of maintenance of the navigability or amelioration of the navigable route and the access to the Shatt-al-Arab from the sea, or to defray the expenses entailed in the interests of navigation."

The points of the Treaty revealed above, which cannot be disputed, show that after thirty-two years of patiently bearing with the Government of Iraq despite its continuous and unexcused Treaty violations, the Government of Iran, faced by increasing encroachments on its rights from Iraq, has felt obliged to ensure respect for them in the only way left to it; namely, by serving notice that in consequence of the unremitting breach by the other Party of the fundamental provisions of the Treaty, the latter was considered as being null and void.

Approaching the problem from another angle, one sees that when the Treaty between Iran and Iraq was concluded in 1937, the position of the two parties was unequal. Iraq was protégé of the Imperialist Power dominant in the region which enabled Baghdad to press Iran into accepting the iniquitous boundary provisions of Articles I and II. The only return to be received by Iran for this, a return which was little enough, was acknowledgement of its vital interest in the navigation of the Shatt-al-Arab. The acknowledgement of Iran's rights, without fulfillment of the obligations to establish arrangements for their implementation was rendered illusory by this failure. The resulting position is no longer endurable to His Imperial Majesty's Government.

What is required in this respect has been well put by the Deputy Foreign Minister of Iran in a statement on 19 April 1969 to the Senate of Iran, from which the following passage is taken:

"In the entire world no similar case can be found where a river as large and as navigable as the Shatt-al-Arab which is the common frontier between the two countries, is controlled by one of the two parties alone.

It is impossible to conceive that a frontier river which draws most of its waters from Iranian sources should belong to another Government. In the world today, the rivers which form common frontiers between two countries, are administered in accordance with a definite set of regulations and methods of operation.

At the present time, when the period of colonialism has ended, and the conditions prevailing in 1937, when the Treaty was signed, have also been changed, the effects and the results emanating from colonialism must also vanish with it. Is it not therefore astonishing to say that although colonialism has been finished forever, the Iraqi Government will try with all its might to safe-guard the effects and the results of colonialism which this Treaty is a sad specimen of

Furthermore, in accordance with the established canons of International Law, one of the important principles in concluding any agreement, is the equality of rights of the two contracting Parties. The question is whether the principle of equality of rights has been observed in the case of Shatt-al-Arab.

If the principle of equality was observed, how is it that the Talweg Line, always recognized as the frontier line where a large river is the common frontier of two countries, has not been adhered to and that, except for two sections of the river, the whole of Shatt-al-Arab had been ceded to Iraq?

It is reported that a responsible Iraqi authority had said that in the Treaty of 1937, they made a gift to Iran of a section of Shatt-al-Arab i.e. the base or median lines in front of Abadan and Khoramshahr. This assertion is absolutely without foundation. The Truth is just the opposite, for, during the whole period when the Ottoman empire was Iran's neighbor in this area, there was no assertion in any of the treaties, collectively called the Arzrum Treaty, of Ottoman sovereignty and the fixing of the frontier line between Iran and the Ottoman Empire in Shatt-al-Arab. According to the available documents the practice adopted by Iran and the Ottoman Government from the beginning of navigation in Shatt-al-Arab and perhaps from a much earlier time had been to exercise jointly the right of sovereignty over the Shatt-al-Arab up to a point where both shores of the river came within Ottoman Territory."

.....

3) By its action and attitude having set aside a line qua non part of the Treaty provisions, the Government of Iraq has, in effect, rendered meaningless and null and void the Treaty in its entirety. The persistent refusal by the Government of Iraq for the last thirty-two years to carry out its Treaty obligations in good faith, under articles 4 and 5 of the Treaty and article 2 of its attached Protocol, has led to a situation resulting in the abrogation of the Treaty in its entirety. The responsibility for the abrogation of the Treaty, therefore, rests solely and exclusively with the Government of Iraq.

4) Continuing in its unhappy and irresponsible attitude, the Government of Iraq has recently caused great consternation and alarm to the Iranian Government by the indefensible measures of harassment and mass expulsion, mass arrests and torture of Iranian Nationals in Iraq, some of which were pilgrims travelling to the holy shrines of Karbala. This action so soon after the Iraqi Government approved the Teheran Declaration on Human Rights, can only be seen as a means of bringing pressure to bear on the Iranian Government.

5) The attitude of the Government of Iraq as the beneficiary of a colonial régime is easy to understand, but it is far from being statesmanlike, far-sighted and realistic. Does the Government of Iraq wish to continue to close its eyes to all the good work that through international co-operation and conferences, since the early part of the nineteenth century, has gone into preparation of rules and regulations governing the rights and duties of riparian States and the régime of navigable rivers bordering on two or more States?

Historically the principal object of the Treaty of 1937 was to perpetuate the control by the British Admiralty of the waters of the Persian Gulf and the Shatt-al-Arab. This could only be accomplished by riding rough-shod over the immemorial rights of Iran. But even a colonial Power was not so brazen as to seek altogether to fly in the face of what equity, to say nothing of law and history, required. The acknowledgement of that justice required recognition of Iran's rights to a free and unfettered use of the Shatt-al-Arab, was contained in articles 4 and 5 of the Treaty and in clauses II, III, and IV of the Protocol annexed to it. As has already been explained the measures required to implement those provisions have not

been taken because of the evasions and obduracy of the Government of Iraq.

With the end of colonial domination in the area which the Treaty was designed to assure, the purpose of the Treaty has lapsed, and it is no longer expressive of the situation which now obtains there.

6) It is to be reiterated that while we shall remain steadfast in the face of any encroachments against our inalienable rights, we also stand by the offer we have made in good faith to the Iraqi Government. We are prepared to conclude, immediately, a new treaty with Iraq under which the sovereign rights of both nations would be safeguarded in Shatt-al-Arab in accordance with established rules of international law and justice. In this way, it is our earnest hope that a major obstacle to the good neighbourly relations between our two countries and our two people bound together with cultural and religious ties, would be removed once and for all, thus paving the way for making the waters of Shatt-al-Arab serve the interest of both countries for the common good.

PRIMA 144

B49 IRANIAN SPOKESMAN SAYS 14,000 EVICTED FROM IRAQ

(TEHRAN RADIO) AT A PRESS CONFERENCE DEVOTED TO THE PLIGHT OF IRANIANS EXPELLED FROM IRAQ. THE SECRETARY GENERAL OF THE IRANIAN HUMAN RIGHTS COMMISSION SAID IN TEHRAN TONIGHT THAT UP TO YESTERDAY 14,314 IRANIANS FORCED OUT OF IRAQ HAVE CROSSED IRANIAN LAND AND SEA BORDER CROSSINGS. DESCRIBING THE HARSH TREATMENT OF IRANIANS BY THE IRAQI GOVERNMENT. THE SECRETARY GENERAL SAID THAT IRAN WILL DEFINITELY DEMAND BLOOD MONEY FOR THE IRANIANS MURDERED BY THE AGENTS OF THE IRAQI REGIME. AND OF COMPENSATION FOR THE LOST RIGHTS OF IRANIANS RESIDING IN IRAQ.

Regen  
PWA  
2/6

END BBC MON 2010 2/6 SWD (KY)

NEQ 3/324/1

**RESTRICTED**

Near Eastern Department,

145

NEQ 1/124/1

5 June, 1969.

The Shatt al Arab: Iranian Propaganda

Thank you for your letter (3/72) of 28 May enclosing an Iranian 'hand out' on their case on the Shatt al Arab dispute with Iraq. I was interested to see this, since we have not received anything similar from other sources and it gave useful confirmation that the line taken by the Iranian Representative in the United Nations, for example, is based on specific wording and instructions from Tehran.

2. As you may have already seen from our Guidance No. 102 which gives the background to this dispute, of which you yourself are of course well aware (I am enclosing a spare copy for convenience), the Iranians have made some play with the type of references to us which you list in the second paragraph of your letter. I certainly agree that nothing useful would be achieved by making an official complaint to the Iranian Embassy but you may like to draw on the material contained in the Guidance telegram should the topic of the Shatt al Arab crop up in conversation with your Iranian (or other diplomatic) colleagues. The essential point is that this is something to be settled between Iran and Iraq, and other parties should not be brought in. And whatever the Iranians may choose to say about the policies and attitudes of other countries at the time, this is irrelevant to the fact that they negotiated the 1957 Agreement with the Iraqis and freely put their signature to it.

(A.A. Acland)

J.R. Rich, Esq.,  
Prague.

**RESTRICTED**

RESTRICTED

Registry  
No. NEQ 3/324/1

DRAFT

letter

Type 1 +

SECURITY CLASSIFICATION

Top Secret.  
Secret.  
Confidential.  
Restricted. ✓  
Unclassified.

To:—

J. R. Rich, Esq.,  
Prague.

From

A. A. Acland  
Telephone No. & Ext.

Department

PRIVACY MARKING

.....In Confidence

The Shatt Al Arab: Iranian Propaganda

Thank you for your letter (3/72) of 28 May to <sup>enclosing</sup> which you had attached an Iranian 'hand out' on their case on the Shatt al Arab dispute with Iraq. ↗

2. As you may have already seen from our Guidance No.102 (I am enclosing a spare copy of convenience) which gives the background to this dispute, the Iranians

have made some play with the type of references to us <sup>which you have</sup> mentioned in the second paragraph of your letter. I <sup>certainly</sup> agree that nothing useful would be achieved by making an official complaint to the Iranian Embassy but you may wish, at your discretion, to draw upon the material contained in the Guidance telegram should the topic of the Shatt al Arab crop up in conversation with your Iranian (or other diplomatic) colleagues.

The essential point is that this is something to be settled between Iran & Iraq, and other parties should not be brought in. And whatever the Iranians may

choose to say about the policies & attitudes of

of which you yourself are of course well aware

other countries at the time, this is irrelevant to the fact that they repudiated the 1937 Agreement with the Iraqis & freely put their signature to it.

RESTRICTED

NOTHING TO BE WRITTEN IN THIS MARGIN

*Mr Acland*  
*A dull reply*  
*to (143)*  
*PMH:mlb*  
*3/6*

*I was interested to see this, since we have not received anything similar from other sources and it gave us some confirmation that the line taken by the Iranian representative in the U.N., for example, is based on specific wording & instructions from Tehran.*

CYPHER/CAT A

ROUTINE AMMAN

TELEGRAM NUMBER 291

See  
below.

CONFIDENTIAL

TO FOREIGN AND COMMONWEALTH OFFICE

4 JUNE 1969

TOP COPY (146)

RECEIVED IN REGISTRY NO. 10 - 5 JUN 1969 NEQ 3/324/1
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CONFIDENTIAL.

ADDRESSED TO FCO TELNO. 291 OF 4 JUNE RFI TO BAGHDAD, TEHRAN,  
WASHINGTON, AND UKMIS NEW YORK.

SHAKT EL ARAB DISPUTE.

MY IRANIAN COLLEAGUE TELLS ME THAT WHEN THE JORDANIAN PRIME  
MINISTER VISITED BAGHDAD ON 31 MAY THE IRAQIS TOLD HIM THAT  
THEY WOULD AGREE TO ATTEND TALKS WITH IRANIANS IN AMMAN WITH A  
VIEW TO RESOLVING THE DISPUTE. THE IRANIAN AMBASSADOR HAD  
FORWARDED THIS INFORMATION TO TEHRAN BUT UP TO LAST NIGHT HAD  
RECEIVED NO REPLY.

2. HE INDICATED THAT THIS HAD COME ABOUT AS A RESULT OF KING  
HUSSEIN'S OFFER TO MEDIATE AND  
PREPARED TO ACCEPT THE PROPOSAL FOR TALKS HERE.

FCO PASS ROUTINE TO BAGHDAD TEHRAN WASHINGTON AND UKMIS NEW YORK.

SIR P. ADAMS / REPEATED AS REQUESTED /

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P.U.S.D.

INFORMATION POLICY DEPT.

INFORMATION RESEARCH DEPT.

NEWS DEPT.

M.O.D. (INTERNAL)

XXXXXX

CONFIDENTIAL

Pa pmm  
6/6

*Confidential*  
*Top copy* AMENDMENT SLIP

AMENDED COPY

AMENDED DISTRIBUTION

*Room,*  
*for Near Eastern Dept*

*Amman*

TELEGRAM NO. *299* OF *4/6*. TO F.C.O.

F.C.O. TELEGRAM NO. OF TO:

*Shakt el Arabi Dispute*

*Please amend number in heading to read N° 291.*

AUTHORISED BY: *Comms Dept*  
*Abulhiti*

STAFF OFFICER ROOM 131.

*Confidential*

DATE *5/6/1969*.

[DELETE WHERE NOT APPLICABLE]

TOP COPY

147

CONFIDENTIAL

Cypher/Cat A

PRIORITY AMMAN TO FOREIGN AND COMMONWEALTH OFFICE

Telno 294 4 June, 1969

CONFIDENTIAL

RECEIVED IN REGISTRY NO. 10 -6 JUN 1969 NEQ 3/324/1
--

Addressed to FCO telegram No.294 of 4 June,  
Repeated for information to Baghdad, Tehran, Washington,  
and UKMIS New York.

My telegram No.291: Shatt el-Arab dispute.

My Iranian colleague tells me that his Government  
have now agreed to talks in Amman but only on the condition  
that the Iraqis will accept as a point of departure that the  
border lies on the Thalwea. He expects this to give some  
difficulty but that talks may get going here eventually.

FCO pass routine to Baghdad, Tehran, Washington,  
and UKMIS New York.

Sir P.Adams.

[Repeated as requested]

DEPARTMENTAL DISTRIBUTION

N.East. Dept.

P.U.S.D.

I.P.D.

I.R.D.

News Dept.

MOD Internal

PA Pmm  
c/6

88888

CONFIDENTIAL

*Copy I assume that this is on the Shatt el Arab. 1 card / 1 card file?*

*148*

*See folio 136 Baghdad 497*

*4/17*

*0*

Translation.

No. 6614/6614/4

RECEIVED REGISTRY No. 10 -9 JUN 1969 NEQ 3/3241
--

Ministry of Foreign Affairs,  
Political Department,

Dated, 25 May, 1969.

The Ministry of Foreign Affairs of the Republic of Iraq presents its compliments to the Diplomatic Corps Accredited to the Republic of Iraq and has the honour to inform them that the Iranian authorities continue to violate shamefully the provisions and texts of the Frontier Treaty concluded between Iraq and Iran in 1937, which is in force and binding on the two countries, and to navigation regulations and instructions in Shatt-el-Arab. These repeated Iranian aggressions, violations and provocations and the non-compliance with the provisions and texts of the Frontier Treaty of 1937 and the navigational regulations and instructions relating to Shatt-el-Arab gravely threaten the safety of navigation in the Shatt-el-Arab and expose the ships plying in this Shatt to grave dangers and are also calculated to increase the tension and to offend the relations.

In communicating the foregoing to the esteemed Diplomatic Corps, this Ministry requests the Corps to be so good as to communicate to their Governments that the ships belonging to them and possessing their nationality plying in the national waters of Shatt-el-Arab must comply with the Iraqi navigational regulations and instructions in force in Shatt-el-Arab and not contravene such regulations and instructions, since the contravention by ships of these regulations and instructions is calculated to expose to grave dangers navigation in Shatt-el-Arab and the contravening ships.

The Ministry avails itself of this opportunity to express its highest consideration and esteem.

Her Britannic Majesty's Embassy,

Baghdad

3/7  
O  
Translation.

No. 6614/6614/4.

Ministry of Foreign Affairs,  
Political Department,

Dated, 25 May, 1969.

The Ministry of Foreign Affairs of the Republic of Iraq presents its compliments to the Diplomatic Corps Accredited to the Republic of Iraq and has the honour to inform them that the Iranian authorities continue to violate shamefully the provisions and texts of the Frontier Treaty concluded between Iraq and Iran in 1937, which is in force and binding on the two countries, and to navigation regulations and instructions in Shatt-el-Arab. These repeated Iranian aggressions, violations and provocations and the non-compliance with the provisions and texts of the Frontier Treaty of 1937 and the navigational regulations and instructions relating to Shatt-el-Arab gravely threaten the safety of navigation in the Shatt-el-Arab and expose the ships plying in this Shatt to grave dangers and are also calculated to increase the tension and to offend the relations.

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The Ministry avails itself of this opportunity to express its highest consideration and esteem.

Her Britannic Majesty's Embassy,  
Baghdad.

80  
Draft Telegram,  
Copying by bag  
19. 27/5

SECRET

149

RECEIVED IN
REGISTRY No. 10
10 JUN 1969
NEQ 3/324/1

3/40



BRITISH EMBASSY,  
TEHRAN.

*Rec'd by 10/7/69*

4 June, 1969

*Research Dept. in Amman 17/6*  
*Mr. Thompson*

*N.E. Section*

*attached. Dear Peter,*

We have gathered very little fresh information on the *visit here of King Hussein, to add to the commentary in Amman Telegram No. 278.*

2. At the weekend I saw the senior Foreign Ministry official (Fartash) who is now exclusively responsible for relations with Iraq. He confirmed the Americans' story reported in Amman Telegram No. 278, that part of King Hussein's motive for the hasty visit to Tehran was concern lest the Iraqis should pull out some of their troops from Jordan. He added, however, that he thought the King had also been anxious to forestall a meeting of the Arab League on the Shatt dispute for which the Iraqis had apparently been pressing. Fartash added that the King had returned to Amman very impressed with the Iranian case on the Shatt. This tallies with a comment from the U.S. Embassy in Amman, passed to me by the U.S. Embassy here, to the effect that Rifai'i (the Private Secretary, not the Prime Minister) had said that the King was "not unimpressed" by the Iranian position which was "sensible and reasonable".

3. Fartash gave no hint that King Hussein had gone away with any specific proposals in his pocket; rather that he was satisfied that the Iranians would not aggravate the dispute or allow it to become an embarrassment in their relations with the other Arab States. However, we do know that the Shah went further with Hussein. The Americans have a story from their Embassy in Amman that the Iraqis have agreed to a suggestion by (Prime Minister) Rifai'i to meet an Iranian delegation in Amman. The level is not specified. According to the American report, the Iranian Ambassador has passed this proposal to Tehran but has not yet received any instructions. We know from secret sources that the Shah is considering this proposal. Today's international edition of KAYHAN reports "informed sources" as saying that (Prime Minister) Rifai'i will visit Tehran before Hoveyda leaves on his official trip to Ankara on 15 June. As yet there is no confirmation of this, and meanwhile the local press is reproducing the Egyptian stories that Turkey has been asked to mediate as well.

4. Incidentally, I took Fartash up on the reference to international rivers which Zahedi made in his conversation with the Secretary of State. You will recall that Zahedi twice mentioned the Scheldt. Fartash conceded that neither the Scheldt nor the Rhine, nor indeed any major international river which came quickly to mind except possibly the Congo, was a precise geographical parallel to the Shatt, i.e., constituting a boundary between two States out to its mouth.

J. P. Tripp, Esq.,  
Near Eastern Department,  
F.C.O.

*Pb [signature]*

14/7

SECRET



He had commissioned a study in the Foreign Ministry of comparable cases but was dubious of the likely results. The Sino/Soviet dispute did not help, he added wryly, since it was the Chinese whose case on the Amur rested on the Thalweg! If Research Department could let us have a brief note on comparable cases, i.e., involving the navigational issue and the Thalweg in a river which forms the international boundary out to its mouth, this would be useful guidance in discussion with officials here.

*Yours ever*

*D. F. Murray*

(D. F. Murray)

Cc. to:

P. McKearney, Esq., BAGHDAD.  
R. M. Tesh, Esq., C.M.G., CAIRO.  
K. M. Wilford, Esq., C.M.G., WASHINGTON.  
N. Aspin, Esq., C.M.G., TEL AVIV.  
A. D. Parsons, Esq., M.V.O., M.C., UKMIS NEW YORK.  
M. S. Weir, Esq., BAHRAIN RESIDENCY.  
E. F. Given, Esq., C.M.G., MOSCOW.  
A. H. Campbell, Esq., C.M.G., PARIS.

CYPHER/CAT'A'

CONFIDENTIAL

W. 149.

PRIORITY AMMAN

TO FOREIGN AND COMMONWEALTH OFFICE

TELEGRAM NUMBER 278

**TOP COPY**

28 MAY 1969

RECEIVED IN
REC. FILE NO.
29 MAY 1969
NEJ 26/8

CONFIDENTIAL.

ADDRESSED TO FCO TELNO. 278 OF 28 MAY RFI TO BAGHDAD, TEHRAN, WASHINGTON, TEL AVIV, UKMIS NEW YORK, BAHRAIN AND CAIRO AND SAVING TO MOSCOW AND PARIS.

KING HUSSEIN'S VISIT TO TEHRAN(UNDERLINED)

OUR AMERICAN COLLEAGUES TELL US THAT KING HUSSEIN DECIDED TO UNDERTAKE THIS VISIT AT SHORT NOTICE FOLLOWING A REPORT HE RECEIVED FROM JORDANIAN PRIME MINISTER ON HIS TRIP TO BAGHDAD LAST WEEK.

2. RIFAI HAD FOUND THE IRAQIS IN A VERY EXCITABLE MOOD OVER THE SHATT AL - ARAB DISPUTE THREATENING TO PULL OUT THEIR FORCES FROM JORDAN AND SYRIA IN ORDER TO CONFRONT AND EVEN ATTACK THE IRANIANS. THE IRAQIS REGARDED THE IRANIAN POSITION IN THE DISPUTE AS PART OF A CONSPIRACY BETWEEN IRAN AND ISRAEL TO WEAKEN ARAB UNITY. THE IRAQIS WERE EVEN ACCUSING PAKISTAN OF BEING INVOLVED ALLEGING THAT PAKISTAN AND ISRAEL WERE THE ONLY TWO EXCLUSIVELY RELIGIOUS REGIMES IN THE WORLD

3. ACCORDING TO THE AMERICANS, THE KING HAD SEEN A CLEAR NEED TO CALM THE IRAQIS DOWN AND HOPED THAT DISCUSSION WITH THE SHAH WOULD SERVE THIS PURPOSE. THE AMERICAN EMBASSY CONFIRMED THE REPORT IN

/WASHINGTON

CONFIDENTIAL

CONFIDENTIAL

-2-

①  
WASHINGTON TELEGRAM NO. 1578 THAT THE KING'S PRIVATE SECRETARY,  
HOPED TO SEE SISCO BUT DOUBT IF THERE WOULD BE CONTACTS AT A  
HIGHER LEVEL THAN THIS.

4. MY IRAQIAN COLLEAGUE FIRST LEARNED OF KING HUSSEIN'S INTENTION  
TO VISIT TEHRAN FROM THE RADIO AND IS INCENSED THAT HIS  
GOVERNMENT WAS NOT BEEN GIVEN DUE WARNING. HE SAID HE DOUBTED THAT  
THE SHAH WOULD BE PLEASED.

5. THE KING IS EXPECTED TO RETURN FROM TEHRAN ON 29 MAY.  
THE RULER OF ABU DHABI IS TO ARRIVE ON A STATE VISIT ON 1 JUNE.

FCC PASS ROUTINE TO BAGHDAD, TEHRAN, WASHINGTON, UKMIS NEW YORK,  
BAHRAIN AND CAIRO

FCC PASS SAVING TO MOSCOW AND PARIS.

/ REPEATED AS REQUESTED /

SIR P. ADAMS

DEPARTMENTAL DISTRIBUTION  
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NORTH AFRICAN DEPT.  
ARABIAN DEPT.  
UNITED NATIONS DEPT.  
SOUTH ASIAN DEPT.  
P.U.S.D.  
NEWS DEPT.  
M.O.D. (INTERNAL)

CONFIDENTIAL

XXXXXX

NEQ 3/3241

21/5/69.

- 3 -

Al-Nur: (contd.)

the major responsibility towards their country and people and the role which must be played by them in expanding agricultural product and the liberation of national economy from all foreign fetters and connections.

NEWS ITEMS:

Al-Jumhuriyah:

The Revolutionary Command Council has decided to abolish the right granted to feudalists under the Agrarian Reform Law to choose the lands required by them from the lands requisitioned under the Law.

The decision also abolishes the cash payment by the peasant for the land awarded to him under the Agrarian Reform Law.

The Revolutionary Command Council has decided to attach the movable and immovable property of 25 persons. A complete list of their names is given in the Baghdad Observer of to-day.

The Foreign Minister of Iraq has recalled to Baghdad the Iraqi Ambassador to Pakistan. The Iraqi News Agency learns that this recall is connected with the crises raised by Iran in connection with Shatt-el-Arab and Pakistan's attitude disclosed by the joint Pakistani-Iranian statements.

Al-Hurriyah:

The Ministry of Industry has submitted to the Council of Ministers an amendment to the Regulations of the Federation of Iraqi Industries. Under this amendment, the number of members of the public sector on the Board of the Federation will be raised to become equal to that of members of the private industrial sector.

Dr. Daud Salman Ali, Dean of the Medical College at Baghdad, has accepted the invitation extended to him by the Union of Medical Education in Britain. He will be proceeding to London in the beginning of July next together with his wife, Dr. Suad Khalil Ismail.

Saliyd Asad al As'ad, Assistant Secretary-General to the Arab League for Information Affairs, is expected to pay a visit to Baghdad shortly.

/Al-Nur....

Al-Nur:

The Revolutionary Command Council has issued a decision suspending the disbursement of the allowances determined to chairmen and members of administrative boards of all official and semi-official establishments and services.

Saiyid Abdul Sahib Mahmud al Qaraghuli, Mutasarrif of Karbala Liwa, has been placed on pension.

Saiyid Rashid Salih al Ali has been appointed as Director-General at the Office of the Ministry of Works and Housing.

Saiyid Abdul Majid Kubba, Accountant-General and Member of the Board of Administration of the Public Establishment for Banking, will officiate as Acting President of the Board of Administration of the Public Establishment for Banking.

Secret

Reference.....

W. 149.

Mr. Winchell (NE) - see now ①

In the final paragraph  
of his letter on the attached  
file Mr. Murray asked if  
Research Dept. could produce  
a brief note on thalweg  
frontiers.

2. We have done what we  
can & attach herewith  
3 copies of the report.  
Further copies are available  
if required.

C. van

Middle East Section  
Research Dept.

Secret 10/7

CONFIDENTIAL

Reference

3/40

150

1 Sec. *1/6*  
H. of C. *1/6*  
H.E. *1/6*

RECEIVED IN REGISTRY NO. 10 10 JUN 1969 NEQ 3/324/1
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Visit of the Iraqi Minister of Unity to Jeddah

Sayid Fakhruddin Tahir, the Counsellor at the Iraqi Embassy, and his wife, who are leaving Jeddah next week, had lunch with me on 29 May.

2. Sayid Fakhruddin told me that the visit of Dr. Abdullah al Khudhair, the Minister of Unity, on 27/28 May was part of a tour of certain Arab and African countries to deliver a statement about the Iraqi position in the Shatt al Arab dispute with Iran and to obtain support for the Iraqi case. Fakhruddin added that the visit was "routine and of little importance".

3. The Saudis did not seem to lay on any special arrangements for the Minister. I saw him arrive in Riyadh where he was escorted to the V.I.P. lounge by the Director of the Airport and in Jeddah where he was met by the Chief of Protocol and the Iraqi Ambassador. I saw no photographers or press when he disembarked and he was driven straight out of the airport not to the V.I.P. lounge. However, he did disembark before Queen Iffat and her entourage.

4. Fakhruddin added that the Minister had given him good news. He had assured him that the rumours about the ill-treatment of Dr. Bazzaz were untrue. He was in prison but in good health.

H. St. J. B. Arncliffe  
(H. St. J. B. Arncliffe)  
31 May, 1969.

Copies to ✓ Mr. Tripp *1/6*  
Eastern Dept. Mr. Smith *1/6*  
Mr. Hawkey  
Baghdad.  
Cassidy  
Tehran.  
Mr. Mahan *1/6*  
Baker.

CONFIDENTIAL

V  
BBC MON 1200

RECEIVED IN REGISTRY No. 10 9 JUN 1969 NEQ 3/324/1
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PRATT (151)

B18 IRAQ SETS UP SHATT AL-ARAB DISTRICT

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T  
(IRAQI NEWS AGENCY) BAGHDAD: THE IRAQI GOVERNMENT HAS DECIDED TO ESTABLISH A NEW DISTRICT IN BASRA PROVINCE, TO BE CALLED THE SHATT AL-ARAB DISTRICT. AL-TANNUMAH VILLAGE WILL BE ITS CAPITAL. THE PRESENT SHATT AL-ARAB SUB-DISTRICT WILL BE PART OF THE NEW DISTRICT.

END BBC MON 1206 14/5 JMA (KY)

~~Mr. Makin~~ PMMH 15/5  
then into & re.



Mr Mahoney 19/6  
 Mr A. [unclear] 11/6  
 then  
 on [unclear]

BOARD OF TRADE  
 Shipping Policy Division

1 Victoria Street, LONDON S.W.1

Telex: ~~25993~~ Answer Back: B0THQ LONDON

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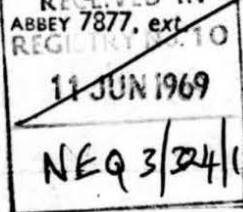
Telephone: ABBEY 7877, ext.

Mr Hinchcliffe  
 New East Sept  
 Fco. (152)

Our reference: FSR 1606 G

Your reference:

10/6



9th June, 1969

Answers

Before David Steel went on leave, he asked me to send an interim reply to your letter of 29th May concerning the Iraqi Government's note about navigation on the Shatt-al-Arab. As we understand it, the only difficulties over navigation concern the use of pilots in the river. You will be aware from British India's letter of 7th May, copied to James Ayres, of the pre-crisis arrangements for pilotage and of the conflicting instructions subsequently issued by the Iranian and Iraqi authorities.

When British India first consulted us about this problem we advised them, after consultation with the Foreign and Commonwealth Office, that as only the Iraqi Government had specifically threatened retaliation against non-compliance with their directives, British India might as a first manoeuvre continue to use Iraqi pilotage and see how the Iranians reacted. When offering this advice, we also asked B.I. whether, if it proved necessary, they would contemplate avoiding calls at Khorramshahr. They replied that their trade through Khorramshahr was far more profitable than that through Basrah and that if they were compelled to make a choice they would prefer to omit Basrah from their schedules. However, this did not mean that they would readily sacrifice this trade.

In the event, two British India vessels have since called at both Khorramshahr and Basrah without incident. In each case, the vessel has proceeded under Iraqi pilotage up river to the anchorage at Abu Flus (rather than Hartah Point) and from there into Khorramshahr. On leaving that port they have picked up an Iraqi pilot for the voyage to Basrah and for the return journey to the Gulf.

The Head Office of the other British line regularly trading to this area, Strick & Ellerman Line, have told us that their pilotage arrangements have not been changed. Their vessels continue to employ Iraqi pilots from the Outer Bar to Hartah Point and only pick up Iranian pilots on reaching the port area at Khorramshahr. No special difficulties have been reported.

It therefore seems that the two British lines principally involved in this trade are following procedures which should cause the Iraqi authorities no offence. Nevertheless we agree that it would be sensible to inform the Chambers of Shipping formally of the contents of the Iraqi Government's note when it is received.

(M. J. A. Cochlin)

M. E. Heath, Esq.,  
 Foreign and Commonwealth Office  
 Downing Street.

PA [unclear]  
 12/6

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BRITISH HIGH COMMISSION,

RECEIVED IN

REGISTRY No. 10

19 JUN 1969

29 May, 1969

NEP 3/307/1

Copy to NEP 3/324/1

Visit to Pakistan of Iranian Prime Minister

The Government of Pakistan announced on 12 May that the Prime Minister of Iran, Mr. Amir Abbas Hoveida, would be arriving in Rawalpindi on the following day on a three-day official visit to Pakistan. We know from our Iranian colleagues that the Iranian Embassy was only informed of the forthcoming visit by their Prime Minister on Sunday 11 May and the Pakistanis therefore reacted with unusual speed in finalising the reception arrangements on the following day. Mr. Hoveida was accompanied by his Foreign Minister, Mr. Ardeshir Zahedi, the Foreign Secretary, Mr. Khalat Bari, and Lieutenant-General Hasan Toofanian.

2. The Iranian party were received at Chaklala Airport by President Yahya Khan and the Deputy Chief Martial Law Administrators, Lieutenant-General Hamid Khan and Air Marshal Nur Khan. They arrived in a downpour of rain which drenched the assembled diplomatic corps and Pakistani officials led by the Foreign Secretary, Mr. S.M. Yusuf, and ensured an even bigger shambles than usual in affecting presentations. There were two rounds of official talks at the President's house on 14 and 15 May and a banquet was given by General Yahya Khan on Wednesday and returned by Mr. Hoveida on Thursday. I enclose a copy of the text of the official communique which reflects the plethora of news releases about "complete understanding", "an impregnable alliance", and the "special and permanent nature of the relationship between Iran and Pakistan". The main items in the communique are Pakistan's support for Iran's stand on the Shatt-el-Arab dispute with Iraq and the reaffirmation of Iranian support for Pakistan over Kashmir.

3. However, the real significance of the visit was undoubtedly its public demonstration of Iranian support for President Yahya Khan's assumption of power. The Minister at the Iranian Embassy has been at pains to point out that in the past Iran has always been among the first of Pakistan's allies to afford

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recognition following a change of regime and undoubtedly President Yahya Khan needed a high level visitor from Iran at an early date. This does not, however, explain why the visit, when it came, was arranged at such short notice. I suggest that the answer may be that the Iranians decided that they could usefully accede to President Yahya's request for a visit in return for an unqualified declaration of Pakistan support over the Shatt-el-Arab dispute and thus the certain vote of one member of the Security Council in the event of Iran's case coming before the Security Council.

4. According to a Foreign Office spokesman President Yahya told Mr. Hoveida during their talks that Pakistan believed in the Thalweg doctrine for settling disputed river boundaries as she had herself followed this principle in demarcating boundaries with her neighbours. We understand from the Director of Iranian Affairs at the M.F.A., Mr. Ahsani, that this refers to part of the East Pakistan border with Burma and the delineation of the Pakistan/Iran border at a point where it runs along the line of a wadi. It is unusual for Pakistan to come out so strongly in favour of one side in a dispute involving two Muslim countries and the M.F.A. have been careful to say that Pakistan's main hope is that the dispute will be settled peacefully between the two countries.

5. It will be interesting to see how the legal advisers at the Ministry of Foreign Affairs here manage to square General Yahya's support for Iran over the Shatt-el-Arab with the views of their delegation to the U.N. Convention on the Law of Treaties in Vienna who appear to be in favour of the compulsory arbitration of disputed treaties and the denial of the right of any country to make a unilateral denunciation of what it chooses to regard as an unequal treaty. Indeed, as I reported in paragraph 6 of my letter 14/4 of 18 March to de Courcy-Ireland in U.N. (Political) Department, one of the legal advisers at the M.F.A. had suggested that Pakistan would be able to use her influence to get the Iranians to amend their views on Article 62 of the draft Convention on the Law of Treaties. This hardly seems likely now.

6. Although the official communique contains nothing very significant about Iranian support for Pakistan on the Kashmir issue the local press has played up a statement alleged to have been made during the official talks by Mr. Zahedi that "he had made it clear to an ex-Foreign Minister of India about two years ago that if a situation similar to that of 1965 arose,

/Iran



Iran would be on the side of Pakistan and that that position still remained". To-day's Pakistan Times carries an article stating that Mr. Hoveida gave President Yahya Khan an assurance that "Iran is determined to stand by Pakistan, as it did in 1965 when India unleashed an undeclared war with Lahore and Sialkot as immediate objectives". According to Mr. Ahsani, Iranian support on that occasion was mainly moral support but I am sure that this very clear indication of Iranian backing for Pakistan must cut the ground from under the Shah's offer of his good offices in solving Indo-Pakistani disputes made during his recent visit to New Delhi.

7. Neither Mr. Zahedi's or Mr. Hoveida's pledge is reflected in the official communique and it may be that the Iranians are unhappy about the way in which the press here have reported on this item. A P.P.I. press report also quoted Mr. Zahedi as stating that he was "not very happy with the state of relations with the U.K. which have had their ups and downs". He is reported as recalling that Britain had snatched Bahrain away from Iran in 1937 and was now "trying to put up Bahrain as an independent nation for membership of the U.N."

8. Otherwise there seems to be little of significance in the communique. The Iranians and the Pakistanis have made the usual noises about promotion of peace, progress and stability in the Persian Gulf through mutual understanding and co-operation between the littoral countries without any outside interference but significantly added the words "with due regard to the legitimate interests of Iran". I think the only other point worth mentioning is that President Yahya Khan is said to have informed Mr. Hoveida of the lack of any substantial progress in the settlement of the Farakka dispute. This is not quite in line with the text of President Yahya's speech at the first banquet when he said that "no advance" had been made in a direction of a settlement of the two main disputes with India. The Director at the Ministry of Foreign Affairs commented wryly that there was little real difference between the two statements because to any unbiased observer it was clear that the long and continual round of talks between India and Pakistan experts on Farakka had made "infinitesimal progress". This is fully in accord with our own assessment.

9. To sum up it appears that the Iranians have responded to a request from President Yahya to demonstrate their support for his regime and have extracted as their price the formal support

/of Pakistan

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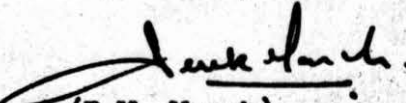
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of Pakistan for their case in the Shatt-el-Arab dispute. On the Pakistan side they have perhaps achieved a slightly firmer statement of support for their stand on Kashmir which cannot have been very pleasing to Indian ears.

10. I am sending a copy of this letter to John Hennings in New Delhi and Chanceries in Tehran and Baghdad.

Yours ever,

  
(D.M. March)

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### INDIVIDUAL VIEWS

The talks covering a wide range of subjects, including a review of the international situation, the crisis in the Middle East, the dispute between Iran, Iraq over the Shatt-el-Arab, developments in the Persian Gulf, relations between Pakistan and India, progress of ECDC and other matters of bilateral interest, took place in the traditional atmosphere of solidarity, complete understanding and fraternal cooperation which have always characterized such meetings. The discussions once again confirmed the identity of views and approach between Iran and Pakistan and their faith in the common destiny of the two countries.

The Prime Minister of Iran described the course of events which led to the recent crisis between Iran and Iraq over the Shatt-el-Arab dispute. The President of Pakistan expressed full understanding of Iran's position on the basis of the generally accepted Thalweg doctrine in international law. The President expressed deep concern over a dispute between two Muslim countries and hoped that it would be resolved in a peaceful and amicable manner.

The President of Pakistan apprised the Prime Minister of the state of Indo-Pakistan relations which are strained due to India's continued refusal to settle the Jammu and Kashmir dispute. He also informed the Prime Minister of lack of any substantial progress in the settlement of the question of the equitable distribution of the waters of the Ganges River.

The Prime Minister of Iran reiterated Iran's support to the right of the people of Jammu and Kashmir to self-determination in accordance with the UN resolution.

### M-E SITUATION

The President and the Prime Minister expressed their anxiety over the grave situation in the Middle East arising out of continued Israeli occupation of Arab territories. They reiterated their firm opposition to the use of force to secure territorial gains. They called for the withdrawal of Israeli forces from the occupied territories and the restoration of the Holy City of Jerusalem to its previous status. They also affirmed their full support to the struggle of the people of Palestine in securing their legitimate rights in accordance with the UN resolutions.

The President and the Prime Minister felt that the resolution of 22nd November, 1967, provided a sound basis for a settlement. They further expressed the hope that the four-power talks currently taking place in New York would help in resolving the crisis.

### PERSIAN GULF

The President and the Prime Minister reviewed the situation in the Persian Gulf. They agreed that the peace, progress and stability of the Persian Gulf region could best be promoted through mutual understanding and co-operation between the littoral countries without any outside interference and with due regard to the legitimate interests of Iran.

The President of Pakistan reiterated the declaration made at the Karachi summit meeting welcoming the proposal outlined by His Imperial Majesty the Shahinshah Aryamehr for the creation of a corps of volunteers for development and the unanimous decision by the United Nations to approve it for further study.

While reaffirming their strong faith in the principles of the United Nations Charter, the President and the Prime Minister underlined the importance of the world organisation as an instrument for the preservation of peace and development of international cooperation. They fur-

# Pak-Iran Communiqué: Text

**RAWALPINDI, May 16:** The following is the text of the Pak-Iran Communiqué issued at the close of the three-day official visit to Pakistan of the Iranian Premier, Mr. Amir Abbas Hoveida.

On the occasion of the President of Pakistan, His Excellency, Gen. Ayub Mohammad Yabfar Khan, the Prime Minister of Iran, His Excellency Mr. Amir Abbas Hoveida, paid an official visit to Pakistan from May 13 to 16, 1969. The Prime Minister was accompanied by His Excellency Mr. Ardeshir Zabihi, Foreign Minister of Iran, His Excellency Mr. Abbas Ali Khashfari, Under-Secretary in the Ministry of Foreign Affairs, Lt.-Gen. Hassan Toorabian, Lt. Ahmad Tehran, Mr. Hossein Bahmanphlob, Mr. Faraz Akbari and other senior officers of the Imperial Government.

The President expressed great satisfaction that the first Head of Government visiting Pakistan after the recent changes was the Prime Minister of Iran. The President and the Prime Minister also expressed their pleasure at having this early opportunity of meeting and continuing the people-to-people exchange of views between the leaders of the two countries. They agreed that the visit symbolised the deep and lasting character of the relations between the two countries.

The President and the Prime Minister held talks on 14th and 15th May, 1969. The President of Pakistan was assisted at the talks by the Deputy Chief Martial Law Administrators and members of the Council of Administration, Air Marshal M. Nur Khan and Lt.-Gen. Abdul Hamid Khan, the Foreign Secretary Mr. S. K. Yousaf, Mr. S. Iftikhar Hussain, Director-General of the Foreign Office, Mr. S. Shah Naveed, Ambassador of Pakistan in Tehran and Mr. S. A. E. Ahmed, Director in the Ministry of Foreign Affairs. The Prime Minister of Iran was assisted by the Foreign Minister, Mr. Ardeshir Zabihi and the members of his delegation which included His Excellency Gen. Hasan Pakravan, Ambassador of Iran in Pakistan.

Talks were also held between His Excellency the Foreign Minister of Iran and His Excellency Air Marshal M. Nur Khan at which they were assisted by their senior officials.

## GENERAL VIEWS

The talks covering a wide range of subjects, including a review of the international situation, the crisis in the Middle East, the dispute between Iran, Iraq over the Shatt-al-Arab dykes, the relations between Pakistan and India, progress of ECDC and other matters of bilateral interest, took place in the traditional atmosphere of cordiality, complete understanding and fraternal cooperation which have always characterised the relations between the two countries. The discussions were again conducted in the spirit of views and opinions exchanged between Iran and Pakistan and their faith in the common destiny of the two peoples.

On the future status of the State of Jammu and Kashmir.

He expressed the hope that Pakistan's efforts to obtain a just and peaceful settlement of disputes between India and Pakistan would prove successful and lead to good neighbourly relations between the two countries. The President expressed appreciation of Prime Minister's reiteration of Iran's support.

## REGIONAL COOPERATION

Reviewing the progress of ECDC the President and the Prime Minister expressed satisfaction at the growing mutual cooperation among the three brotherly countries—Iran, Pakistan and Turkey. They reiterated their belief that the establishment of ECDC constituted an important milestone in the history of relations between the three countries.

The two leaders agreed that the experience acquired by their countries in educational, technical, agricultural and social fields should be exchanged within the framework of ECDC, they appreciated the sense of dedication shown to the ECDC in the three countries and hoped that the pace of its activities in different fields would be accelerated further.

In compliance with the command of His Imperial Majesty the Shahinshah Aryamehr, the Prime Minister offered to place at Pakistan's disposal Iran's expertise in various fields. Air Marshal M. Nur Khan requested the services of experts in military and vocational training. The Prime Minister immediately sent necessary instructions to Tehran and the experts are expected to reach Pakistan shortly. The President expressed his deep appreciation for this fraternal gesture.

Reviewing the international situation the President and the Prime Minister took note of the recent developments in the Persian Gulf and expressed the hope that these talks would lead to an early end of the conflict in Vietnam.

## M-E SITUATION

The President and the Prime Minister expressed their anxiety over the grave situation in the Middle East arising out of continued Israeli occupation of Arab territories. They reiterated their firm opposition to the use of force to secure territorial gain. They called for the withdrawal of Israeli forces from the occupied territories and the restoration of the Holy City of Jerusalem to its previous status. They also affirmed their full support to the struggle of the people of Palestine in securing their legitimate rights in accordance with the UN resolutions.

The President and the Prime Minister felt that the resolution of 23rd November, 1967, provided a sound basis for a settlement. They further expressed the hope that the four-power talks currently taking place in New York would lead to a settlement.

they stressed the need for full and universal disarmament.

The President and the Prime Minister concurred the world economic situation and felt that its inherent rigidities and inequalities which operate with great harshness to the disadvantage of developing countries called for concerted corrective planning in the field of monetary and fiscal policies as well as of international trade. They felt that the existing terms of aid to the developing countries did not meet their requirements and good in need of considerable revision.

Noting that the Iranian Prime Minister's current visit was a short one, the President expressed the hope that the Prime Minister's next visit would be for a longer period.

The Prime Minister of Iran thanked the President of Pakistan for the affectionate welcome and warm hospitality that were accorded to him and the members of his party during the visit.—PPI.

NEQ 3/324/1 B

○ Paper

Date

Facts concerning the Iraqi - Iranian Frontier Jan 66

Letter to Under Secretary of the Ministry of Foreign Affairs of Iraq 30 Apr 69

Bakhtiari's cable to Al-Bahr undated

Letter from the Acting permanent Representation of Iraq to the President of the Security Council 29 Apr 69

Letter to U Thant Secretary-General of the UN undated

Letter to the President International Committee of the Red Cross 5 May 69

Letter to Secretary-General of the UN undated

Letter from Permanent Representation of Iraq to the UN to President of the Security Council 9 May 69

Iraq booklet on position Shatt al-Arab not known

Frontier Treaty between Kingdom of Iraq and the Empire of Iran paper 22 Sept 69

Iraqi note in Arabic not known

Above papers contained in envelope attached to this file

#### Source Citation

Iraqi/Iranian Political Relations With Regards To Frontier. Iraq And Iran Dispute Over Shatt Al-Arab. 9 June 1969. MS Middle East Online: Iraq, 1914-1974: Selected files from series AIR, CAB, CO, FCO, FO, PREM, T, WO, The National Archives, Kew, UK FCO 17/880. Newspaper Cutting And Maps. The National Archives (Kew, United Kingdom). Archives Unbound, [link.gale.com/apps/doc/SC5107474455/GDSC?u=webdemo&sid=bookmark-GDSC&xid=0bf99f0f&pg=1](https://link.gale.com/apps/doc/SC5107474455/GDSC?u=webdemo&sid=bookmark-GDSC&xid=0bf99f0f&pg=1). Accessed 11 Apr. 2022.

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